CANADA

[TRANSLATION]

COMMISSION FOR PUBLIC COMPLAINTS AGAINST THE RCMP

CHAIR'S FINAL REPORT

PURSUANT TO SUBSECTION 45.46(3) OF THE *RCMP ACT* FOLLOWING A PUBLIC INTEREST INVESTIGATION PURSUANT TO SUBSECTION 45.43(1) OF THE *RCMP ACT*

WITH RESPECT TO THE EVENTS OF MAY 2 TO 4, 1997 IN THE COMMUNITIES OF SAINT-SAUVEUR AND SAINT-SIMON, NEW BRUNSWICK

NOTE: Any information that appeared in the original version of the Chair's final report, which would identify any young person who committed or was alleged to have committed an offence, has been removed from this copy of the report. Furthermore, if the original version contained any information that may have had the effect of threatening the safety of any individual, such information has also been deleted.

March 22, 2001

CHAIR'S FINAL REPORT FOLLOWING A PUBLIC INTEREST INVESTIGATION

I. INTRODUCTION

1. The Process

As Chair of the Commission for Public Complaints Against the RCMP (hereinafter "the Commission"), I have the authority to investigate a complaint, pursuant to subsection 45.43(1) of the *RCMP Act* (hereinafter "the *Act*"), concerning the conduct, in the performance of any duty or function under the *Act*, of any member or other person appointed or employed under the authority of the *Act*, when I consider it advisable in the public interest.

Upon completion of the investigation, I am required to prepare and send a report to the Solicitor General of Canada and the RCMP Commissioner (hereinafter "the Commissioner"), setting out such findings and recommendations with respect to the complaint as I see fit (my "interim report").

Upon receipt of the interim report, the Commissioner is required to review the complaint in light of the report's findings and recommendations. The Commissioner must then notify me of any further action that has been or will be taken with respect to the complaint or provide his reasons for not acting on the findings or recommendations (the "Commissioner's notice"). After I have considered such a notice, a final report is prepared.

2. The Interim Report and Commissioner's Notice

As of March 20, 1998, the Commission had received numerous complaints concerning the conduct of members of the RCMP during events in which the RCMP was involved in Saint-Sauveur and Saint-Simon. I then decided to launch an investigation in the public interest into the activities of the RCMP from May 2 to May 4, 1997, in these two communities.

My interim report, dated March 28, 2000, was sent to the Solicitor General of Canada and to the Commissioner (Appendix I). In response to my findings and recommendations, the Commissioner sent me his notice dated January 12, 2001 (Appendix II).

The interim report includes a complete summary of the evidence collected during the investigation.

II. FINDINGS AND RECOMMENDATIONS

1. General Findings

I am generally pleased with the Commissioner's response to my findings and recommendations in this case. I note that efforts have already been made to implement my recommendations at the national level, as well as at "J" Division in New Brunswick. I also note that the Commissioner intends to ensure that continuing efforts are made in the following areas.

- **Regarding allegations of a lack of communication by the RCMP,** the Policy Centre will discuss the policy with the divisions in order to address the issue of communications with the media (my recommendation No. 2).

- **Regarding the allegation of abuse of authority,** the Policy Centre will ask the Central Divisional Training and Development Centre to look into the possibility of developing a Tactical Commander course, with the help of Learning and Development Services (my recommendations No. 4 and No. 5). In addition, the Policy Centre will amend the policy on tactical operations as it relates to dog handlers in order to facilitate joint training with tactical troops. Moreover, a certification course on the use of police service dog teams during demonstrations will be given to dog handlers (my recommendations No. 6 and No. 7).

- **Regarding the absence of badges or distinctive markings identifying the members of the tactical troop,** the RCMP will adopt a name or number badge and will develop a matching system for identification of all members taking part in the deployment of special units (my recommendations No. 16 and No. 17).

- **Regarding allegations of detention, injuries and property damage,** the RCMP will revise its policies regarding training techniques to ensure coordination of the various units during the deployment of the tactical troop (my recommendation No. 18).

- **Regarding the tear gas inventory,** the Policy Centre will be developing provisions in order to address this situation (my recommendation No. 31).

2. Final Findings and Recommendations

Turning to the Commissioner's specific comments, my final findings and recommendations are as follows.

My recommendations No. 1 to No. 11 inclusive: The Commissioner agrees with my findings and recommendations; therefore, no further comment is necessary.

My recommendation No. 12:

> *12. I recommend that the Commissioner of the RCMP see to the development of detailed directives for situations in which suspects are arrested without warrant and it is later discovered that the reasons for arrest are erroneous or non-existent. In such circumstances, the persons held in custody should be immediately released. Furthermore, in the same circumstances, the police officers who made the arrest should offer explanations and apologies to the persons concerned.*

I have considered the Commissioner's comments and I reiterate my recommendation. Despite the fact that section III.2.G.4. of the *Operational Manual* addresses the matter of the release of detainees who have been arrested without warrant, I still believe that the arresting officers should offer explanations, as well as apologies, to the persons involved. As stated in paragraph 37(g) of the *Act*, it is incumbent on every member "to act at all times in a courteous, respectful and honourable manner" and, furthermore, it is simply good community policing practice.

My recommendation No. 13

The Commissioner agrees with my finding and recommendation; therefore, no further comment is necessary.

My recommendation No. 14:

> *14. I recommend that the Commissioner of the RCMP ensure that the "J" Division commander write a letter of apology to Annik Mallet, Sonia Hébert and Sylvie Noël for the treatment they received from members of the RCMP in Saint-Sauveur during the weekend of May 2, 1997.*

I have considered the Commissioner's comments and I reiterate my recommendation concerning Sylvie Noël, despite the evidence that seems to confirm the fact that she threw rocks. Taking into consideration the circumstances of May 2, 1997 in Saint-Sauveur, there is no excuse for the RCMP's reaction. Neither the context nor the fear they may have felt, justify the members having launched tear gas cartridges haphazardly. Furthermore, the refusal to apologize to Sylvie Noël could be interpreted as an approval of the members having retaliated.

Furthermore, in an "Errata" notice sent to the Commissioner on January 10, 2001, I recommended that a letter of apology also be sent to Yves Noël. (This omission was corrected in the English translation of my interim report.) This issue was not mentioned in the Commissioner's notice. I therefore reiterate this recommendation concerning Yves Noël.

My recommendations No. 15 to No. 18 inclusive: The Commissioner agrees with my findings and recommendations; therefore, no further comment is necessary.

My recommendation No. 19: The Commissioner agrees with my finding and recommendation. I am reassured knowing that there is now compliance with the internal policy relating to the use of plastic handcuffs, and that the initials of the member to whom they are assigned appear on the handcuffs.

My recommendations No. 20 to No. 21 inclusive:

> *20. I recommend that the Commissioner of the RCMP ensure that the "J" Division commander writes letters of apology to the individuals bitten by dogs, specifically Albertin Albert, Roger Foulem, Jean-Dominique Mallet, Paul Albert, Christian Noël,* ----- protected ----- *and* ----- protected -----.
>
> *21. I recommend that the Commissioner of the RCMP ensure that the "J" Division commander writes a letter of apology to each of the following persons identified as victims of improper use of force by members of the RCMP in Saint-Simon: Pierre Lanteigne, Albertin Albert, Roger Foulem, Lucette Foulem, Jean-Dominique Mallet, Paul Albert, Lionel Foulem, Robert Jobin, Christian Noël, Mario Savoie, Marc Savoy, Antoine Godin, Géraldine Hébert,* ----- protected ----- *and* ----- protected -----.

I have considered the Commissioner's comments and have noted his decision to forward letters of apology to certain persons only. However, I cannot agree with his comment that the RCMP need not apologize to individuals who were named in my recommendations but who did not lodge complaints. Taking into consideration the commitment to "community-based policing" that the RCMP has adhered to for several years, such a refusal suggests a reticence on its part that could hinder the work towards a complete and sincere reconciliation with the members of these two communities.

Furthermore, the *Act* clearly states that "any member of the public […] whether or not that member of the public is affected" may lodge a complaint; this includes third parties. In this case, either victims or third parties complained about the incidents dealt with in my recommendations No. 20 and No. 21. In light of the number of individual and general complaints that were lodged about dog bites and abusive use of force, the Commissioner's refusal to ensure that letters of apology are sent to the persons mentioned in my above recommendations is incomprehensible. I therefore reiterate my findings and recommendations.

In an "Errata" notice sent to the Commissioner on January 10, 2001, I recommended that a letter of apology also be sent to François Lanteigne. (This omission was corrected in the English translation of my interim report.) This issue was not mentioned in the Commissioner's notice. I therefore reiterate this recommendation concerning François Lanteigne.

My recommendations No. 22 to No. 26 inclusive: The Commissioner agrees with my findings and recommendations; therefore, no further comment is necessary.

My recommendation No. 27:

> *27. I recommend that the Commissioner of the RCMP examine what appears to be systematic refusal to obey orders on the part of many members who took part in the events at Saint-Sauveur and Saint-Simon; and that the Commissioner ensure a process is introduced through the chain of command to prevent such a situation from becoming the acceptable norm.*
>
> *Furthermore, I would like to be informed of any corrective measures taken to date.*

I have considered the Commissioner's comments and I reiterate my recommendation. I acknowledge the efforts of the Commander of "J" Division concerning measures that have been taken to resolve the issue of refusals to obey orders "within the framework *of a major case* management system (my emphasis)." I find this response to be unclear since it does not define "major cases." Furthermore, the refusals to obey orders should be dealt with irrespective of whether or not the refusal relates to a "major case." This is a serious matter that could result in unfortunate future consequences for an elite police force like the RCMP. I therefore request an update on steps taken to ensure that RCMP members will obey orders in the future.

My recommendation No. 28 to No. 31 inclusive: The Commissioner agrees with my findings and recommendations; therefore, no further comment is necessary.

III. CONCLUSION

I count on the continuing goodwill of the RCMP and I ask the Commissioner to keep me apprised, within the next six months, of developments and progress concerning the implementation of my recommendations.

Pursuant to subsection 45.46(3) of the *RCMP Act*, this is my final report to the Solicitor General, the Commissioner of the RCMP and the parties involved with respect to these complaints.

Chair

March 22, 2001

Shirley Heafey
Chair
Commission for Public Complaints Against the RCMP
P.O. Box 3423, Station "D"
Ottawa, Ontario
K1P 6L4

NOTE: ORIGINAL IN FRENCH, SIGNED MARCH 22, 2001

APPENDIX A

Royal Canadian Mounted Police Gendarmerie royale du Canada
G. Zaccardelli
Commissioner Le Commissaire

January 12, 2001

Protected "A"

Ms. Shirley Heafey
Chair
Commission for Public Complaints against the RCMP
PO Box 3423
Station D
Ottawa, Ontario
K1P 6L4

Dear Ms. Heafey:

I acknowledge receipt of your interim report, No. PC-5710-199801 dated March 28, 2000, as well as supporting documentation relating to complaints filed in the wake of events that took place in the communities of Saint-Sauveur and Saint-Simon, New Brunswick.

On January 3, 2001, I reviewed all the relevant facts of this case, and perused the Commission's findings. The following constitutes my notice pursuant to subsection 45.46(2) of the *Royal Canadian Mounted Police Act*.

Following a complete and attentive review of this case, I wish to state my position with respect to the Commission's findings and recommendations:

Regarding allegations of a lack of communication by the RCMP

With respect to the lack of communications by the RCMP towards parent representatives and the crowd, I accept the Commission's findings.

The Commission has recommended that:

(1) the RCMP ensure that tactical operations NCO's in the RCMP realize the importance of establishing dialogue with demonstrators and clearly informing demonstrators of police intentions via the best possible means of communication, in order to get a clear message across;

.../2

1200 Vanier Parkway
Ottawa, Ontario
K1A 0R2

1200, promenade Vanier
Ottawa (Ontario)
K1A 0R2

(15) the RCMP ensure that tactical operations NCO's are aware of their duty to warn the crowd of demonstrators of their intention to deploy tactical troops and use tear gas, before taking such action, as stipulated in policy. Once demonstrators have been duly warned, the operations NCO must make sure that they are given enough time to leave the premises of the demonstrations. It is imperative that police intentions be clearly communicated to demonstrators.

I accept these recommendations. In this respect, the Commanding Officer of "J" Division has stated that "J" Division commanders are henceforth aware of the importance of communicating a clear message and of their obligation to provide a crowd with time to disperse. Sections 1.H.2 and 2.H.2 of the *Tactical Operations Manual* and section II.11.F.2 of the *Operational Manual* call for the use of an appropriate system of communication with the public, stress the necessity for communicating a clear message and emphasize the necessity for giving a crowd enough time to disperse.

With respect to the communication of false information to the media, I accept the Commission's finding and its recommendation that:

(2) the RCMP ensure that its spokespersons have received adequate training to deal with the media and that they are at ease when communicating with members of the press.

Section II.16.C.1 of the *Operational Manual* states that all RCMP employees may be called on to serve as a media contact and that his or her comments must be limited to his or her area of expertise and responsibility. In order to comply with this requirement, the RCMP has provided all its members with a copy of a publication entitled *The RCMP and the Media: A Spokesperson's Guide*. The divisions provide training for members who are frequently called upon to give interviews. It would also appear that detachments are increasingly designating members to respond to the media. The RCMP also provides a course entitled *Media Communications* at the RCMP Training Academy. This training is available to members whose duties, in accordance with their respective unit's policy, include the daily communication of police information. It should be noted that since last year, the RCMP Training Academy also offers a media relations course to cadets.

.../3

The Policy Centre will discuss the policy with the divisions in order to address the issue of members who are authorized and trained to communicate with the media in cases where public order must be maintained.

The Commanding Officer of "J" Division has indicated that two media relations training courses have been given in the division since the incidents. These courses, given in April 1998 and in January 2000 (another is scheduled for January 2001), are based on Canadian Police College standards. The Commanding Officer of "J" Division also referred to divisional Appendix II-16-1 which contains advice to members on media relations.

With respect to the lack of follow-up by RCMP senior management, I agree with the Commission's finding and recommendation that:

(3) the RCMP ensure that the Commanding Officer of "J" Division organize meetings with representatives of parents' committees in both communities, in order to develop a strategy to reestablish a climate of confidence between the communities and the RCMP.

In this respect, the Commanding Officer of "J" Division has indicated that the duty team leader that day reported that certain meetings were held with a group of stakeholders following the incident, but that various follow-up initiatives initiated by the RCMP were not well received. The Commanding Officer of "J" Division added that it was probably hard to ensure that all the interested parties were represented since some demonstrators came from outside the region. Nevertheless, efforts to restore positive relations, such as Musical Ride presentations and a weekly radio talk-show, were well received locally. A survey conducted after the demonstrations indicated a 90% level of satisfaction with the RCMP.

.../4

Regarding the allegation of abuse of authority

With respect to the deployment of the special unit and the use of the tactical troop at Saint-Sauveur and Saint-Simon, I accept the Commission's findings and its recommendation that:

(4) the RCMP ensure that the person in charge of operations have the necessary skills and training to make decisions tactfully with respect to crowd control;

(5) the RCMP ensure that tactical operations NCOs review, on a regular basis, RCMP policies and directives as contained in the RCMP *Tactical Operations Manual*. They should also be given special training in analysing the circumstances that warrant deployment of the Tactical Troop;

With respect to these two recommendations, the policy centre will ask the Central Divisional Training and Development Centre to look into the possibility of developing a Tactical Commander course, with the help of Learning and Development Services.

For his part, the Commanding Officer of "J" Division indicated that a training course was held for "J" Division tactical troop leaders in April 1999. The course, based on RCMP national training standards, was targeted to regional team leaders and focussed on all the issues related to their duties, including the *use of force continuum* and relevant policies. It should be noted that Chapter 1.F of the *Tactical Operations Manual* describes the requisite training for tactical troop leaders and their personnel. The Commanding Officer of "J" Division indicated that all team leaders receive the training specified in the recommendations of the Major Case Management Task Force.

.../5

With respect to the use of the canine unit, I endorse the Commission's findings and I particularly agree with the finding that the use of dogs in the Saint-Simon arrests was an error. In this connection, the Commission recommends that:

(6) the RCMP ensure that a specific directive be included in the *Tactical Operations Manual* stating that only in exceptional circumstances are police dogs to be in direct contact with demonstrators during rallies and riots;

(7) dog handler training policies be reviewed and amended, as required, to ensure that dog handlers are properly trained to intervene in demonstration or riot situations. Special emphasis should be put on the use of police dogs as a defensive rather than offensive weapons. Furthermore, dog handlers must clearly know the rights of Canadian citizens not to be subjected to threats of corporal punishment or suffering, and must be aware of their responsibility to justify all direct contact between their dog and a citizen.

I endorse these recommendations. The Policy Centre will amend the policy on tactical operations as it relates to dog handlers in order to facilitate joint training with tactical troops. Moreover, a certification course on the use of police service dog teams during demonstrations will be given to dog handlers. The Commanding Officer of "J" Division has indicated that a senior police service dog trainer is already on staff with "J" Division and that he will give orders to this end.

With respect to the call-out of the Emergency Response Team (ERT) during the Saint-Sauveur and Saint-Simon demonstrations, I endorse the Commission's findings and the following recommendation that:

(10) the systematic practice in "J" Division, New Brunswick, of automatically summoning ERT with the deployment of the tactical troop cease immediately. The decision to summon ERT and deploy this unit should be made on a case-by-case basis. Each deployment of this unit should be analysed based on the specific situation by the tactical operations NCO, who must be able to justify each deployment of this unit.

.../6

The policy centre reports that it is incumbent upon the Divisional Tactical Operations Commander to decide whether an Emergency Response Team should be deployed in order to support an tactical troop and that such a deployment will be assessed on the basis of the prevailing circumstances. For his part, the Commanding Officer of "J" Division undertakes to abandon the practice of calling out the Emergency Response Team (ERT) along with the tactical troop and emphasizes that the ERT will only be called out if the circumstances require its intervention.

With respect to the use of a helicopter at Saint-Sauveur, the use of the La Découverte school by members of the RCMP, the allegations of provocation and intimidation by RCMP members and the allegations of having set up an excessive number of roadblocks, I agree with the Commission's findings.

Regarding allegations of detention, injuries and property damage

With respect to arrests and detentions at Saint-Sauveur, I endorse the Commission's findings. In this respect, the Commission recommended that:

(11) the Commanding Officer of "J" Division be required to write a letter of apology to Messrs. Bruno Comeau, René Hébert, Marcel Doiron and for the treatment to which they were subjected by members of the RCMP at Saint-Sauveur during the weekend of May 2, 1997;

(12) specific directives be developed with respect to arrests without warrant and subsequent discovery that the grounds for arrest are faulty or null. In these circumstances, the persons in custody should be released immediately. Furthermore, the arresting officers should provide an explanation to the persons involved, as well as an apology;

(13) specific directives be developed with respect to the release of prisoners, in order to ensure that the later are in fact released from custody "as soon as practicable", as set forth in subsection 497(1) of the *Criminal Code*.

.../7

I agree with recommendation 11, and I will ensure that the Commanding Officer of "J" Division write letters of apology to the persons involved. With respect to recommendation 12 and recommendation 13, I believe that section III.2.G.4. of the *Operational Manual* addresses the release of detainees as soon as practicable. In this respect, the Commanding Officer of "J" Division has indicated that training had been designed for teams of arresting officers who support tactical troops.

With respect to damage inflicted on the property of certain Saint-Sauveur residents, I also agree with the Commission's finding and support its recommendation that:

(14) the Commanding Officer of "J" Division write letters of apology to Mrs. Annick Mallet, Sonia Hébert et Sylvie Noël for their treatment at the hands of RCMP members at Saint-Sauveur during the weekend of May 2, 1997.

I will ensure that the Commanding Officer of "J" Division will write letters of apology to the aforementioned persons, with the exception of Mrs. Sylvie Noël. Evidence on file indicates that Mrs. Noël threw stones at RCMP members during the demonstration and I feel that it would be inappropriate to extend apologies to her.

With respect to the arrests and detention at Saint-Simon, I agree with the Commission's findings. As a result of these arrests and detentions, the Commission recommended that:

(8) the RCMP ensure that Cpls. Don Chenel, Pierre Gardner and Jean Blondin follow developmental training to confirm their dog handler skills;

(18) strict training techniques be developed to ensure co-ordination of the various units during the deployment of the tactical troop, as well as strict compliance by members with established policy;

(20) the Commanding Officer of "J" Division write letters of apology to the individuals who were bitten by the dogs, in particular Messrs. Albertin Albert, Roger Foulem, Jean-Dominique Mallet, Paul Albert, Christian Noël, and

.../8

(21) the Commanding Officer of "J" Division write a letter of apology to the following persons who were identified as victims of abusive use of force by members of the RCMP at Saint-Simon: Pierre Lanteigne, Albertin Albert, Roger Foulem, Lucette Foulem, Jean-Dominique Mallet, Paul Albert, Lionel Foulem, Robert Jobin, Christian Noël, Mario Savoie, Marc Savoy, Antoine Godin, Géraldine Hébert et .

With respect to recommendation 8, the Commanding Officer of "J" Division had indicated that all dog handlers are subject to annual evaluations and that corporals Chenel, Gardner and Blondin successfully passed regularly scheduled evaluations since the incident, as requested.

With respect to recommendation 18, the policy will be revised. The members of the Emergency Response Team, the Emergency Medical Response Team and dog handlers will be able to train with the divisional tactical troop. The team leader or his delegate will see that the aforementioned groups of specialists are informed of training days. Participation will be compulsory, except in cases of obligation or illness.

For his part, the Commanding Officer of "J" Division has indicated that such training has occurred within the division. All the groups likely to participate in crowd control situations participated, including "J" Division tactical troops and those of other divisions, hostage negotiators, dog handlers, arrest teams, radio technicians, ERT members and Air Services.

With respect to recommendation 20 and recommendation 21, I will ensure that the Commanding Officer of "J" Division write letters of apology to Messrs. [1] and and to Mr. Lionel Foulem and Mrs. Géraldine Hébert. The other persons named in these recommendations did not file a complaint with the Commission. In fact, the Commission indicated on page 148 of its report:

> I should point out that other persons were also arrested during the events in question. As no complaints have been submitted to me, their case will not be discussed in this section. It may be possible, however, that they have been mentioned in the preceding sections in an appropriate context. [*Translation*]

.../9

---

[1] It should be noted that Mr. was a minor at the time of the incidents and that it is mother who filed a complaint with the Commission. I consider the context to be as though Mr. had filed a complaint himself.

It appears that the Commission followed this line of thought with respect to the arrests and damages that occurred at Saint-Sauveur, but that it adopted an entirely different strategy with respect to arrests and damages that occurred at Saint-Simon. In recommendation 20 and recommendation 21, the Commission names persons whom it has not even cited in its own analysis of the complaints. Furthermore, the Commission discusses events surrounding the arrest of certain individuals even though it cannot be ascertained from the file that these persons filed complaints. This approach is confusing and I believe that it would be inappropriate for the RCMP to apologize to individuals who provided statements during the Commission's investigation, but who did not file a complaint.

Regarding the absence of badges or distinctive markings identifying the members of the tactical troop squad

I endorse the Commission's recommendations that:

(16) the policy preventing members of the tactical troop from wearing any distinctive badge or markings for identification purposes be revised immediately. Regardless of their activities, members of the RCMP are always accountable to their superiors and the general public. If a badge were worn, members of arrest/identification teams would be able to identify arresting police officers. Furthermore, individuals who are arrested would know the name of the person who arrested them. Lastly, this means of identification would prevent police officers from acting under the cover of anonymity;

(17) all police officers taking part in the deployment of special units during demonstrations (tactical troop, ERT, police service dog team, soft hats, identification team) be identified, and that the operations NCO or his/her subordinate make a list of these officers before deployment of the squad.

As the Commanding Officer of "J" Division has indicated, this is a national issue requiring the input of Clothing and Kit in order to come with "flexible" name or number badges that cannot be used as a weapon nor broken or lost in a brawl. When appropriate badges have been adopted for use, it will be possible to develop a matching system.

.../10

Considering the foregoing, I will advise the Policy Centre of the need for amending the *Uniform and Dress Manual* in such a way as to provide for members of special units to wear a identification badge or other distinctive mark.

Regarding non-compliance with practices prescribed in the Tactical Operations Manual during the arrests

The Commission suggests that police officers proceeding with arrests should be photographed or filmed with the arrested individuals, that they should use flexible handcuffs and deliver the arrested individual to a member of the arrest team. In this respect, the Commission recommends that:

(19) the transfer of prisoners from tactical troop members to soft hats, as well as the identification process of prisoners and their transfer to the detention centre, be reviewed and amended, as required. More specifically, ensure that all police officers taking part in the deployment of special RCMP units in New Brunswick be familiar and comply with internal policies as contained in the *Tactical Operations Manual* with respect to the numbering of flexible handcuffs and the photographing of prisoners with the arresting officer.

Section 4.K. of the *Tactical Operations Manual*, in effect at the time of the incidents, stipulated the requirements regarding the treatment of prisoners. The provisions of this article are now specified in section 2.L of the *Tactical Operations Manual*.

In this respect, the Commanding Officer of "J" Division has indicated that divisional policy does not include any specific procedure for the transfer of prisoners from the tactical troop to soft hat squads. The Commanding Officer also added that he does not intend to adopt a specific policy in this respect since a national policy is already in effect. In closing, the Commanding Officer of "J" Division emphasized that flexible handcuffs bear the initials of the members to whom they were issued.

Regarding the absence of reports

It would appear that certain dog handlers involved in the arrests did not file an Incident Report, that others did not file a Continuation Report, and that incomplete Prisoner Reports were filed. It would also appear that few members responded to Sgt. Bernard Lajoie's request for reports following the operations conducted from May 2 to 4, 1997.

.../11

In this respect, I agree with the Commission's finding. The Commission recommended that:

(9) the RCMP ensure that all necessary action be taken to require the preparation of incident reports and that said reports be put on file when police dogs are used directly in the arrest of individuals and, more specifically, when these dogs bite suspects;

(27) the RCMP look into what seem to be systematic refusals to obey orders by several members who took part in events at Saint-Sauveur and Saint-Simon; that the Commissioner ensure that a process be implemented via the chain of command to prevent this from becoming a systematic situation;

(28) the RCMP ensure that all members involved in tactical operations be made aware of the requirement to document their activities (Continuation Report, form 1624; Prisoner Report, form C-13-1, and personal notes), and ensure that those in charge of arrest units, tactical troops, the police dog service team and ERT supervise the activity for full accountability to the OIC Operational Support Services and, via the chain of command, the CO.

In principle, following an intervention, a dog handler is required to describe his or her involvement in the operation by filling out form 227-B. The training program for dog trainers stipulated this requirement, as indicated by the course outline amended in February 1996 and revised in March 1999. The Commanding Officer of "J" Division confirmed this obligation and emphasized that the Commanding Officer in charge of operations will make this an absolute obligation in all similar situations involving the use of dogs and arrests, whether the arrested persons are bitten or not.

With respect to recommendation 27, the Commanding Officer of "J" Division, has indicated that measures have been taken to resolve this issue within the framework of a major case management system. Requisite reports, notes and forms must be presented to team leaders at the end of the shift and before approval of overtime pay and expense accounts. The submission of notes is henceforth required in emergency plans and a process has been established to collect both notes and reports.

.../12

With respect to recommendation 28, the Commanding Officer of "J" Division has reiterated that a team management system requiring members to submit their notes, reports and claims to a supervisor has been implemented. Furthermore, reports regarding tactical troop operations will be subjected to a detailed examination by the OIC Operational Support Systems who will determine feedback requirements and any corrective measures that should be taken.

Regarding photography and fingerprinting

In this respect, the Commission recommended that:

(29) the RCMP ensure that the Commanding Officer of "J" Division take all necessary action to ensure that the photographs and fingerprints of those persons who were never arrested following the incidents on May 2, 3 and 4, 1997 in Saint-Sauveur and Saint-Simon be destroyed;

(30) the RCMP ensure that the Commanding Officer of "J" Division confirm in writing to all persons referred to in recommendation 29 that the photographs and fingerprints taken at the time of the events on May 2-4, 1997 have been destroyed.

I agree with the Commission's recommendations. The Commanding Officer of "J" Division has been advised that the photographs and fingerprints in question have been destroyed in the presence of the District Commander. Eleven persons have been or are about to be so advised.

Regarding the tear gas inventory

In this respect, I agree with the Commission's recommendation that:

(31) tear gas inventory control policies be developed and included in the *Tactical Operations Manual*.

I will therefore advise the Policy Centre of the need for developing provisions to this end and including said provisions in the *Tactical Operations Manual*.

.../13

Regarding the lack of medical treatment

I agree with the Commission's findings and its recommendations that:

(22) the Commanding Officer of "J" Division take all necessary action to ensure that the following RCMP members receive the necessary training to familiarize themselves with the directive contained in section E.3.a of Chapter III.3 of the *Operations Manual* and, more specifically, applications of said directive in all situations involving sick or injured persons, in tactical operations or other scenarios: Cpl. Wayne Jacquard, Cst. Jean-Yves Deroy, Cpl. Michel Pagé and Cpl. Jacques Giroux;

(23) the RCMP ensure that all arresting police officers observe the person being placed under arrest to determine that person's physical condition. The police officer's observations should be documented in the person's file. When arrests are made as part of a deployment of the tactical troop, said observations should be completed as soon as possible by the arresting officers;

(24) injured persons, who have been bitten by a dog or hurt otherwise, or persons who are visibly ill at no time be incarcerated without first undergoing a medical exam, as required by existing policy.

Section III.3.E.3 of the *Operational Manual* is clear on this subject and members should observe the requirements it sets forth.

According to the Commanding Officer of "J" Division, a communication dated July 26, 1999 was sent to all Officers IC regarding the obligations towards persons injured during incarceration by police officers. The Commanding Officer of "J" Division insisted on the fact that injured persons must be examined by medical personnel, even when sais persons maintain that such an examination is unnecessary. He also indicated that the policy in this area, that is, as outlined in section III.3.E.3.a of the *Operational Manual*, would be brought to the attention of the members identified in recommendation 22, as well as to the attention of all members.

.../14

Regarding Sergeant Bernard Lajoie's conduct at the wheel of a police vehicle

I agree with the Commission's findings and the following recommendations that:

(25) since Ms. Duke's complaint is founded, Sgt. Bernard Lajoie be advised of the requirement to respect the *Motor Vehicle Act* and of his duty to drive with due consideration at all times for the safety of all persons and property, even when responding to an emergency call, and that the Commissioner of the RCMP direct the Commanding Officer of "J" Division write a letter of apology to Ms. Duke regarding this incident;

(26) the RCMP ensure that RCMP police officers be given regular reminders of the requirement to respect the highway code and the *Motor Vehicle Act* and their obligation to drive with due consideration at all times for the safety of all persons and property, even when responding to a call for assistance.

In this respect, the Commanding Officer of "J" Division has indicated that given the prescribed time limitations for taking disciplinary measures (*Administration Manual* XII.6.D.1), the procedures specified in the *Code of Conduct* were not applied in Sgt. Lajoie's case. The report on his behaviour while at the wheel of a vehicle during this incident was brought to his attention, and he has acknowledged the need to drive in a safe manner in emergency situations. The other members are aware that they must observe the *Motor Vehicle Act* and the requirements regarding the use of police vehicles at all times in the performance of their duties. All commanders have received a memorandum emphasizing this requirement.

Regarding other (unfounded) allegations

I agree with the Commission's findings.

I would like to thank the Commission for it's advice and recommendations in this very difficult matter. As we implement our responses to the recommendations in this report we will ensure that we take into account the operational needs of the RCMP as well as public safety and security concerns in order to find an appropriate balance. In the end we will never be able to have every circumstance covered in legislation, policy or training programs. The continuing exercise of discretion and judgement by individual officers and supervisors will always be a reality. Our objective is to ensure that our officers

.../15

are well prepared from training, equipment, legislative and police perspectives to exercise their discretion in the best possible way in dealing with matters of public order such this.

I would also like to advise the Commission that in May, 2000 the RCMP commenced an extensive review of our readiness and response to public order incidents and we are close to taking final decisions regarding implementation of changes to enable the RCMP to better respond to civil unrest. This will involve further changes to national policy and standards in equipment, training, operations and the use of force. This is with a view to promoting consistency, efficiency, and effectiveness in the delivery of public order services, timely training, shared equipment that meets health and safety standards, shared intelligence, the use of best practices and ongoing partnerships with other national and international police services and government agencies to enhance our response capability.

Much work remains to be done in this area and further information will be provided to you on this matter through the Accountability Report process.

I thank you for your interim report and look forward to receiving your final report.

Yours truly,

G. Zaccardelli
Commissioner

NOTE: ORIGINAL IN FRENCH, SIGNED JANUARY 12, 2001

APPENDIX B

[TRANSLATION]

RCMP PUBLIC COMPLAINTS COMMISSION

CHAIR'S INTERIM REPORT

SUBMITTED IN COMPLIANCE WITH SUBSECTION 45.43(3) OF THE *RCMP ACT*
IN CONNECTION WITH THE INVESTIGATION IN THE PUBLIC INTEREST
CONDUCTED PURSUANT TO SUBSECTION 45.43(1) OF THE *RCMP ACT*

WITH RESPECT TO THE EVENTS
OF MAY 2 TO 4, 1997
IN THE COMMUNITIES
OF SAINT-SAUVEUR AND SAINT-SIMON IN NEW BRUNSWICK

NOTE: This copy of the Chair's Interim Report Following an Investigation in the Public Interest has been edited. Specifically, if any information appeared in the original version of this Interim Report which would identify any young person who committed or was alleged to have committed an offence, that information has been deleted. Further, if the original version contained any information which may have had the effect of threatening the safety of any individual, such information has also been deleted.

March 28, 2000

The Region
of Saint-Simon and Saint-Sauveur

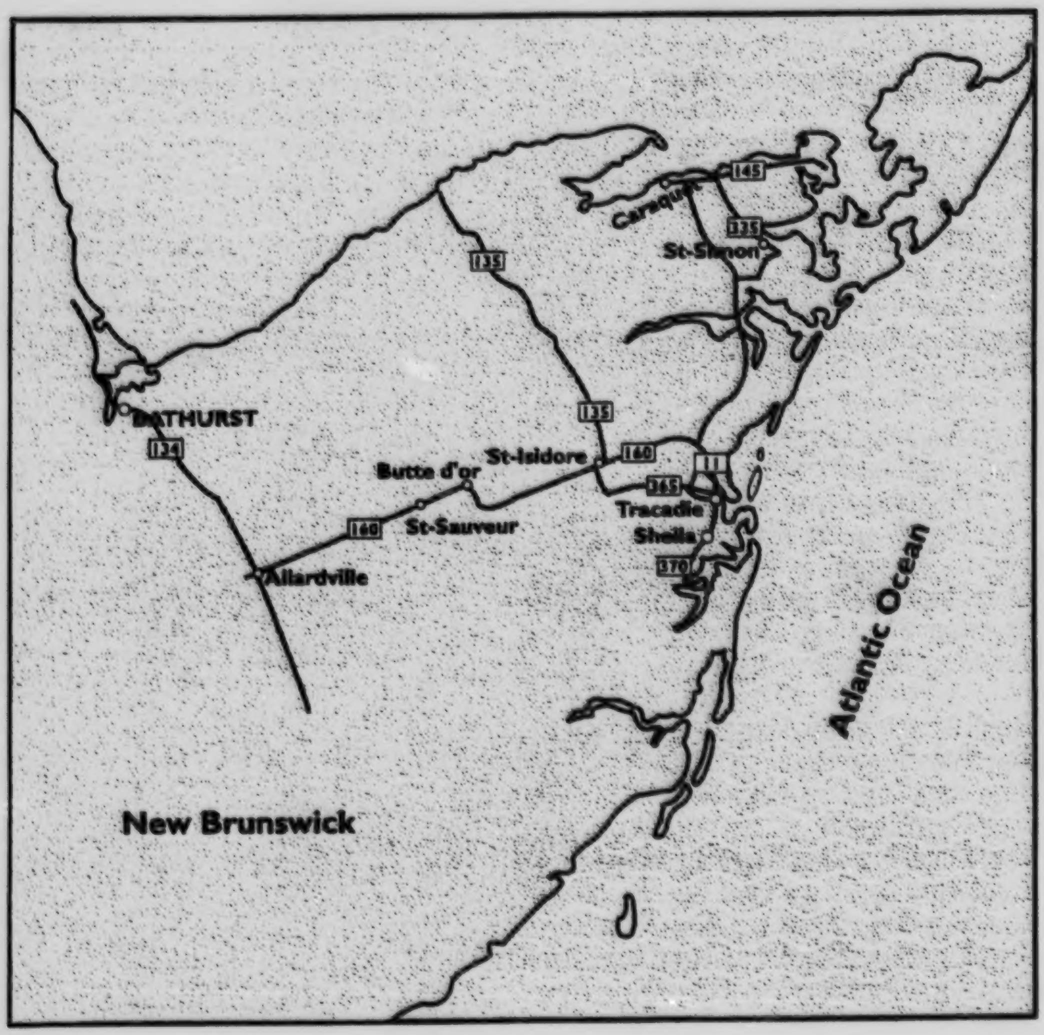

145
Caraquet
135
St-Simon
135
135
BATHURST
134
St-Isidore
160
Butte d'or
11
365
Tracadie
160
St-Sauveur
Sheila
370
Allardville
Atlantic Ocean
New Brunswick

TABLE OF CONTENTS

PART I: THE INVESTIGATION 1

I. TERMS OF REFERENCE OF THE INVESTIGATION 1

1. The RCMP Public Complaints Commission 1
2. The Processing of Complaints 2
    A) Investigation by RCMP 2
    B) Investigation by the RCMP Public Complaints Commission 3
3. Jurisdiction of the Commission 3
4. Terms of Reference of the Current Investigation 3

II. SUMMARY OF COMPLAINTS 5

1. Lack of Communication 5
2. Abuse of Power 6
3. Excesses in the Use of Roadblocks 7
4. Detentions, Injuries and Property Damage 7
    A) Saint-Sauveur 7
    B) Saint-Simon 8
5. Lack of Adequate Medical Treatment Within a Reasonable Time 8
6. Other Complaints 8

III. CONDUCT OF THE INVESTIGATION 10

PART II: THE EVENTS 11

IV. BACKGROUND 12

1. Decision by Minister of Education 12
2. Creation of Save-Our-School Committees 13
    A) Saint-Sauveur 13
    B) Saint-Simon 14
3. Action Against the Government 14

V. THE ROYAL CANADIAN MOUNTED POLICE IN NEW BRUNSWICK 16

1. Police Organization 16
    A) RCMP District No. 8 16
2. The RCMP Special Unit 16
    A) Assembly of Special Unit 18
        (i) Tactical Troop 19
        (ii) Tear Gas Unit 19

(iii) Emergency Response Team (ERT) ... 19
(iv) Arrest Unit ... 20
(v) Police Service Dog Team (PSD) ... 21
(vi) Identification Unit ... 21
(vii) Helicopter ... 21
B) Request for Presence of Special Unit ... 22

VI. EVENTS IN SAINT-SAUVEUR ... 24

1. Period Prior to May 2, 1997 ... 24
2. May 2, 1997 ... 29
A) Meeting of May 2 with the Minister of Education ... 30
B) Meeting of Save-Our-School Committee on the Evening of May 2 ... 30
C) Protest March ... 32
D) Police Intervention ... 34
(i) Special Unit Formation ... 36
(ii) Intelligence ... 38
E) Confrontation with Demonstrators ... 38
F) The Arrests ... 43
(i) Bruno Comeau ... 43
(ii) and Bruno Chiasson ... 45
(iii) Éric Boudreau ... 45
3. Anonymity of Police Officers ... 46

VII. EVENTS OF MAY 3 AND 4 ... 47

1. Saint-Sauveur, May 3, 1997 ... 47
A) Unemployment Insurance Reform Protest March ... 47
B) March in Saint-Sauveur ... 48
C) Demonstration in Front of the Doiron & Fils General Store ... 48
D) Police Intervention ... 50
(i) Disbanding of Special Unit ... 50
(ii) Community Relations ... 50
(iii) Intelligence ... 51
(iv) Recall of Special Unit ... 52
E) The Arrests ... 53
(i) Serge Hébert ... 53
2. Saint-Sauveur, May 4, 1997 ... 54
A) Meeting of Save-Our-School Committee with RCMP Representatives ... 55
B) Meeting of Save-Our-School Committee with the Community ... 56
C) Press Conference ... 56
D) The Arrests ... 57
(i) René Hébert and Marcel Doiron ... 57
(ii) Clarence McLaughlin ... 57

3. Conclusion and Departure for Saint-Simon 59

VIII. EVENTS IN SAINT-SIMON 61

1. Period Before May 4, 1997 61
    A) Meeting of May 2 with Minister of Education 64
2. May 4, 1997 65
    A) The Demonstration 65
    B) Police Intervention 67
    C) The Confrontation 68
    D) Redeployment of Police Officers 73
        (i) Constable Babineau's Patrol Car 74
        (ii) Corporal Fauteux's Patrol Car 75
        (iii) Corporal Jacquard's Patrol Car 76
        (iv) Redeployment of Other Police Officers 77
    E) The Arrests 78
        (i) Pierre Lanteigne 78
        (ii) Albertin Albert 80
        (iii) Roger Foulem 81
        (iv) Lucette Foulem 82
        (v) Jean Dominique Mallet 83
        (vi) Paul Albert 83
        (vii) Lionel Foulem 84
        (viii) Robert Jobin 85
        (ix) François Lanteigne 86
        (x) Christian Noël 86
        (xi) Mario Savoie 88
        (xii) Marc Savoy 88
        (xiii) Antoine Godin 89
        (xiv) Géraldine Hébert 89
        (xv) 90
        (xvi) 92
3. Anonymity of Police Officers 92

IX. THE ROLE OF GOVERNMENT AUTHORITIES 97

X. SOME CRIMINAL AND CONSTITUTIONAL CONSIDERATIONS 100

1. Mischief and Relevant Criminal Considerations 100
2. Constitutional Considerations 104
    A) Freedom of Expression : Paragraph 2(b) of the *Charter* 104
    B) Freedom of Peaceful Assembly: Paragraph 2(c) of the *Charter* 106
    C) Right to Security of the Person : Section 7 of the *Charter* 107
    D) Unreasonable Search and Seizure: Section 8 of the *Charter* 108

E) Right on Arrest or Detention: Section 10 of the *Charter* 109

PART III: COMPLAINT PROCESSING 110

XI. COMPLAINT PROCESSING 110

1. Lack of Communication 110
   - A) Communication with Parents' Representatives on May 2 and 4 113
     - (i) Saint-Sauveur 113
     - (ii) Saint-Simon 114
   - B) Warning to Demonstrators 116
     - (i) Saint-Sauveur 116
     - (ii) Saint-Simon 117
   - C) Inaccurate Information Spread by the RCMP 117
   - D) Lack of Follow-up by RCMP Management After the Events 119
2. Abuse of Power 121
   - A) Grounds for Deployment of Special Unit 123
     - (i) Saint-Sauveur 123
     - (ii) Saint-Simon 124
   - B) Use of Excessive Force 126
     - (i) Tactical Troop Including Use of Tear Gas 126
       - a. Saint-Sauveur 126
       - b. Saint-Simon 127
     - (ii) Police Service Dog Team (PSD) 127
       - a. Saint-Sauveur 132
       - b. Saint-Simon 133
     - (iii) Emergency Response Team (ERT) 135
     - (iv) Use of a Helicopter 136
   - C) Provocation and Intimidation by RCMP Members 137
   - D) Use of La Découverte School as Command Post 138
3. Excessive Roadblocks 139
4. Detentions, Injuries and Property Damage 141
   - A) Saint-Sauveur 141
     - (i) Bruno Comeau 141
     - (ii) René Hébert 142
     - (iii) 144
     - (iv) Annik Mallet, Sonia Hébert, Sylvie and Yves Noël 146
     - (v) Rhéal Ferron et Conrad Lanteigne 147
   - B) Saint-Simon 147
     - (i) Géraldine Hébert 149
     - (ii) 149
     - (iii) 151
     - (iv) Christian Noël 152
     - (v) Pierre Lanteigne 153

(vi) Lionel Foulem 153
(vii) Bertrand Gallien 154
(viii) Joanne Paulin 154
(ix) Andréa Paulin 155
5. No Adequate Medical Treatment Within a Reasonable Time 155
6. Other Complaints 157
A) Gilles Halley and Susan Barton 157
B) Marcelle Lanteigne 158
C) Marguerite Plourde 158
D) Gérarda Morais-Thériault 159
E) Avila Duguay 159
F) Pascal Gionet 160
G) Odette Rousselle 160
H) Jean-Guy Sonier 161
I) Martin Noël 162
J) Diane Duke 162
K) Éloi Albert and Jacqueline Albert 164

PART IV: FINDINGS AND RECOMMENDATIONS 166

XII. FINDINGS AND RECOMMENDATIONS 166

COMMUNICATION 167

ABUSE OF POWER 168

THE ROADBLOCKS IN SAINT-SAUVEUR 172

DETENTIONS, INJURIES AND PROPERTY DAMAGE. 172

MEDICAL TREATMENT WITHIN A REASONABLE TIME 176

OTHER COMPLAINTS 176

APPENDICES 180

APPENDIX A: SUMMARY OF COMPLAINTS 180

EVENTS IN SAINT-SAUVEUR, MAY 2, 1997 180
EVENTS IN SAINT-SIMON, MAY 4, 1997 211

APPENDIX B: STATEMENTS 222

APPENDIX C: RCMP COMPLEMENT 236

APPENDIX D: SUPPORTING EVIDENCE/EXHIBITS 242

DIAGRAM OF SAINT-SAUVEUR 248

DIAGRAM OF SAINT-SIMON 249

GLOSSARY 250

PART I : THE INVESTIGATION

I. TERMS OF REFERENCE OF THE INVESTIGATION

On May 2, 1997, the representatives of the communities of Saint-Sauveur and Saint-Simon in New Brunswick received confirmation from the Minister of Education of the Province of New Brunswick that their respective elementary schools were to be closed as of September 1997.

On the evening of May 2, 1997, at a public meeting, the citizens of Saint-Sauveur decided to demonstrate their discontent on a public highway. The demonstration was interrupted by the arrival of the Royal Canadian Mounted Police (hereinafter referred to as the "RCMP") tactical troop, which made every effort to put an end to the demonstration. The RCMP management called in the special unit (including the tactical troop, the Emergency Response Team, the police service dog teams and the helicopter) to deal with the situation.

The citizens of Saint-Simon met in Saint-Simon on the afternoon of May 4, 1997. Following the meeting, some people planned to light a fire on a public highway in the village of Saint-Simon on the evening of May 4 to demonstrate against the government's decision. A few hours after the demonstration began, the RCMP arrived at the site. The RCMP once again called in all the components of its special unit, with the exception of the helicopter, to put an end to the demonstrators' activities and clear the highway.

Between February 18 and April 6, 1998, the RCMP Public Complaints Commission (hereinafter referred to as the "Commission") received 170 complaints about the conduct of RCMP members with respect to the events that occurred in Saint-Sauveur and Saint-Simon in the Province of New Brunswick from May 2 to 4, 1997.

1. The RCMP Public Complaints Commission

The Commission is a recently established agency that began operations on September 30, 1988. The Commission and its authority were established under Parts VI and VII of the *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10 (hereinafter referred to as the "Act"). The Commission is independent of the RCMP. Its operations and personnel management are the responsibility of the Chair. The Commission headquarters are in Ottawa. It also has a regional office in Surrey, British Columbia. The regional office handles complaints received by the Commission. Requests for review are, however, all examined at the Ottawa office.

2. The Processing of Complaints

Part VII of the Act provides two procedures for processing a complaint by a member of the public against the RCMP. The two procedures are summarized below. This report stems from the application of the second of these two procedures.

A) Investigation by the RCMP

When a member of the public is dissatisfied with the conduct in the performance of their duties, of a member or any other person appointed or employed under the Act, that person may make a complaint directly to RCMP authorities, the Commission or the provincial or territorial authority responsible for receiving public complaints against the police. When a complaint is made to the Commission, this complaint must be referred to the Commissioner of the RCMP.

Normally, the investigation of a complaint about the conduct of a member of the RCMP is not conducted by the Commission, but rather by the Commissioner of the RCMP. Under section 5 of the Act, the Commissioner is appointed by the Governor in Council and has full authority over the RCMP and all matters connected therewith. The Commissioner is assigned authority to establish rules to govern the procedure to be followed in dealing with a complaint.

Following the investigation, the Commissioner must provide the complainant with a report setting out: a) a summary of the complaint; b) the results of the investigation; c) the action taken or to be taken to dispose of the complaint; and d) the complainant's right to refer the complaint to the Commission for review if dissatisfied with the RCMP's disposition of the complaint.

When a complainant asks the Commission to review the disposition of the complaint by the RCMP, the Chair is required to review the disposition of the complaint by the RCMP, unless the Commission has already investigated the matter or a hearing has already been scheduled by the Chair with respect to the complaint. The Chair may also ask the RCMP to conduct a more detailed investigation if it appears to be inadequate, undertake her own investigation, or institute a public hearing.

If the Commission Chair is satisfied with the investigation into a complaint, the Chair informs in writing the complainant, the members of the RCMP whose conduct is the subject-matter of the complaint, the Commissioner of the RCMP and the Solicitor General.

When the Commission Chair is not satisfied with the investigation, an interim report is sent to the Commissioner of the RCMP and the Solicitor General. The Commissioner of the RCMP is then required to state his position with respect to the findings and recommendations of the interim report to the Commission Chair and the Solicitor General. The Chair then prepares a final report, a copy of which is sent to the complainant, the members of the RCMP in question, the Commissioner of the RCMP and the Solicitor General.

B) Investigation by the RCMP Public Complaints Commission

When the Commission Chair receives or makes a complaint about the alleged conduct of one or more members of the RCMP, the Chair may bypass the regular procedure, if deemed necessary in the public interest, and conduct her own investigation or institute a hearing to investigate the complaint. To do so, it is not necessary for the RCMP to have already conducted an investigation or prepared a report concerning the complaint.

Following the investigation or the hearing, the Commission prepares an interim report setting out the findings and recommendations deemed appropriate. This report is given to the Solicitor General of Canada and to the Commissioner of the RCMP. The Commissioner advises the Solicitor General and the Commission Chair in writing of any action taken or to be taken in light of the findings and recommendations of the Commission. If the Commissioner is of the opinion that some of the findings or recommendations of the report will not be acted upon, the Commissioner must include, in the notice to the Solicitor General of Canada and the Commission Chair, the reasons for not so acting.

After considering the notice from the Commissioner, the Commission Chair sends to the Solicitor General of Canada, the Commissioner, the complainant and the police officers concerned a final report that contains the interim report, the Commissioner's notice and the Chair's final decision.

3. Jurisdiction of the Commission

The Commission's jurisdiction is restricted to dealing with public complaints about the conduct of RCMP members in the performance of their duties. In the Saint-Sauveur events, all the police officers involved were members of the RCMP. In Saint-Simon, several members of the Caraquet Municipal Police force took part in the police action in addition to the members of the RCMP. The Commission has no jurisdiction to investigate or review the actions of the municipal police officers.

4. Terms of Reference of the Current Investigation

By March 20, 1998, the Commission had received 84 complaints about the conduct of members of the RCMP in connection with the events involving the RCMP in Saint-Sauveur and Saint-Simon in New Brunswick. The Commission Chair decided, in the public interest, to conduct an investigation into the actions of members of the RCMP in these two communities from May 2 to 4, 1997. The Commission opted for the procedure provided in subsection 45.43(1) of the Act, which states:

> Where the Commission Chairman considers it advisable in the public interest, the Commission Chairman may investigate, or institute a hearing to inquire into, a complaint concerning the conduct, in the performance of any duty or function under this Act, of any member or other person appointed or employed under the authority of this Act, whether or not the complaint has been investigated, reported on or otherwise dealt with by the Force under this Part.

The Commission Chair immediately informed the Commissioner of the RCMP of her decision to conduct an investigation. In addition, a copy of each complaint received by the Commission was forwarded to the Commissioner as prescribed by the Act. The Chair also decided that any new complaints received by the Commission in connection with the events at Saint-Sauveur and Saint-Simon would be dealt with in this investigation.

Four specific complaints with respect to the same events were previously investigated by the RCMP.

Although the complaints are described and summarized in the next chapter, they primarily concern the methods used and force deployed by members of the RCMP who attempted to put an end to the demonstrations that were paralyzing the flow of traffic in the communities of Saint-Sauveur and Saint-Simon on May 2 and 4, 1997. One purpose of this investigation was to determine whether the use of force was justified during these events and, if so, whether the amount of force, and in particular the use of certain intervention methods, were reasonable. It was therefore necessary to perform a detailed review of all the events that occurred on the dates indicated.

II. SUMMARY OF COMPLAINTS

As a result of the events in Saint-Sauveur and Saint-Simon, several individuals and a number of social and community organizations informed the Solicitor General's Office of New Brunswick and the Premier of New Brunswick of their concerns about the RCMP action resulting from the events of May 2 to 4, 1997. Requests for public hearings were made to these provincial authorities.

Between February 18 and April 6, 1998, the Commission received a total of 170 complaints, of which 14 were subsequently withdrawn and are not considered in this report. A summary of the 170 complaints is included in this report as Appendix A.

The complaints are divided into six categories. Some were general, others highly specific. The categories are: 1) lack of communication; 2) abuse of powers; 3) excesses in the use of roadblocks; 4) detentions, injuries and damage to property; 5) lack of adequate medical treatment within a reasonable time; and 6) other complaints. A complaint may contain more than one allegation. In such instances, the various allegations are dealt with in the categories to which they belong.

1. Lack of Communication

Prior to the events of May 2 to 4, 1997, the plan established for communication between the RCMP and representatives of the communities of Saint-Sauveur and Saint-Simon was working relatively well. According to some complainants, the plan was totally ignored both at the key moment during the events and following the events. The complaints concerning lack of communication were subdivided as follows:

a) the RCMP management ignored their communication plan in failing to communicate with parents' representatives during the demonstrations of May 2 and 4, 1997. (Hermel Mazerolle (complaint 42) complained that the mediator designated by the RCMP had not taken the time to listen to people to determine their intentions. Gilles Halley and Susan Barton (complaint 1) stated that everything could have been settled peacefully if the RCMP had negotiated with tact and diplomacy. Pascal Gionet (complaint 37) stated that the RCMP authorities did not negotiate properly in dealing with the conflict;

b) the special unit took action against the demonstrators without warning and without any attempt to communicate with them (this concern was raised by Maryse Chiasson (complaint 151), Isabelle Léger (complaint 153), Claude Doiron (complaint 155), Johanne Landry-Gallien (complaint 156) and Fernande LeBreton (complaint 158));

c) the RCMP spread inaccurate information and relied on this information to justify its actions (see Monique Ferron (complaint 20), Martin Noël (complaint 63), Michel Noël (complaint 64) and Denise Mallet (complaint 167));

d) RCMP management did nothing after the events of May 4, 1997 to restore the tarnished image of the RCMP. Furthermore, RCMP management did not attempt to restore satisfactory relations with citizens of the Saint-Sauveur and Saint-Simon communities after the situation had returned to normal. (See Isabelle Léger, complaint 153.)

2. Abuse of Power

This category comprises the largest number of complaints. All the complaints concerning the events in Saint-Sauveur and Saint-Simon allege, in one form or another, improper use of force by the police. The occasional variations have to do with the types of action taken.

The complaints in this category are usually expressed in very general terms. They may be summarized as follows:

a) with respect to the specific circumstances stemming from the events in Saint-Sauveur and Saint-Simon, RCMP management demonstrated a lack of judgement by calling in the RCMP Special Unit;

b) the RCMP officer in charge used excessive force in deploying the tactical troop, the Police Service Dog teams and the Emergency Response Team to put an end to the demonstrations in Saint-Sauveur and Saint-Simon, and when he decided to use a helicopter to fly over the crowd in Saint-Sauveur;

c) members of the RCMP provoked the demonstrators and intimidated and harassed them to gain the upper hand and make their presence felt in the communities concerned;

d) RCMP management erred in using La Découverte School in Saint-Sauveur for its Command Post.

Some residents of Saint-Sauveur circulated a petition concerning the events of May 2 and the so-called "hostage taking" of May 4, and filed it as a complaint about RCMP members' actions. The improper use of power described in this petition falls primarily into the category of the use of excessive force, intimidation and civil rights violations. The gist of the petition reads as follows:

> [TRANSLATION]
> As a citizen of this community, I deplore the fact that there was an abuse of power and a violation of civil rights.
>
> I witnessed these events and/or attended the public meeting and/or took part in the peaceful march of women, men, the elderly and children in which we were protesting against the closing of our school and during which we were not armed. I witnessed and/or was present during the hostage taking of May 4, 1997, in which the RCMP took over our school as its headquarters and took us all hostage, threatening us to remain quiet or they would use whatever force was needed.

The complaints numbered 71 to 146 in Appendix A all stem from this petition.

3. Excesses in the Use of Roadblocks

During the events that occurred in Saint-Sauveur from May 2 to 4, 1997, the police erected and maintained roadblocks at both ends of the parish. At these locations, the police stopped a number of cars and searched some of them. Many complaints were received to the effect that these roadblocks were not justified. These are the complaints from Sylvère Duguay (complaint 3), Marguerite Plourde (complaint 10), Monique Ferron (complaint 20), Rhéal Ferron (complaint 22), Jeannette Hébert (complaint 46) and Nathalie Richard (complaint 70). There was also the specific complaint from Albina Duguay (complaint 21) and Lucienne Duguay (complaint 66), to the effect that during the evening of May 3, they left Saint-Sauveur and when they attempted to return, the police had set up a check point near Allardville and refused them access when they wanted to return home. Lastly, there is the complaint from Diane Haché (complaint 26), in which she states that she was stopped on the evening of May 3, 1997 at a roadblock in Saint-Sauveur when, in her view, there was no riot going on that could justify the setting up of a roadblock.

4. Detentions, Injuries and Property Damage

During the events in Saint-Sauveur and Saint-Simon, a number of people were apprehended, incarcerated or detained. A number of people who were in Saint-Simon maintained that they were injured as a result of police action. Lastly, people complained that their property was damaged. This category deals with all these complaints.

A) Saint-Sauveur

In Saint-Sauveur, Pascale Comeau (complaint 5) complained that her husband, Bruno Comeau, was apprehended in his vehicle for no reason. René Hébert (complaint 9) says that he was arrested and held without justification while the police attempted to determine whether or not he was guilty of some offence. (complaint 51) complained that three police officers searched him and detained him overnight in a detachment cell without justification.

During the events of May 2 in Saint-Sauveur, tear gas was used. It was alleged that tear gas cartridges struck people and cars, causing injuries and property damage. Monique Ferron (complaint 19), Conrad Lanteigne (complaint 28), Sylvie Noël (complaint 29), Conrad Boudreau (complaint 35), Jeannette Hébert (complaint 46), Rainald Duguay (complaint 47), Roger Hébert (complaint 49) and Marc Chiasson (complaint 56) complained that people were injured during the course of the events. One person, a young girl, was struck in the face by a tear gas cartridge and a woman who was trying to run away tripped and hurt herself. Marguerite Plourde (complaint 10), Rhéal Ferron (complaint 24) and Conrad Lanteigne (complaint 28) claimed that some cars were damaged by tear gas cartridges fired by the police.

B) Saint-Simon

The complaints received in connection with Saint-Simon concern treatment by police during arrests. Géraldine Hébert (complaint 147) complained about police treatment of her, and of the treatment of and by police when they were arrested. Maryse Chiasson (complaint 151), Isabelle Léger (complaint 153) and Fernande LeBreton (complaint 158) complained about the arrest of Pierre Lanteigne. Rosemonde Losier (complaint 152) alleged that the manner in which was arrested was abusive, and lastly, (complaint 164) made a complaint about the way he and were treated when they were arrested by the RCMP.

In addition, some of the persons arrested in Saint-Simon were injured. Most of these complaints refer to the treatment suffered by and Christian Noël. These complaints were made by Géraldine Hébert (complaint 147), Mireille Manuel (complaint 149), Marie Jeanne Chiasson (complaint 150), Rosemonde Losier (complaint 152), Agnès Savoie (complaint 154), Elmira Mallais (complaint 157), Gisèle Savoie (complaint 159), Dérilda Morel (complaint 160), Lionel Foulem (complaint 161), Normand Albert (complaint 162) and (complaint 164)). Joanne Paulin (complaint 169) complained of an injury to her leg caused by a tear gas cartridge and of an asthma attack triggered during the events. Lastly, there were two complaints related to property damage. Fernande LeBreton (complaint 158) complained that the rear window of Bertrand Gallien's car was damaged by a tear gas cartridge; and, Andréa Paulin (complaint 170) said that she tripped while trying to get away from the site of the events in Saint-Simon and lost her dental prosthesis, which shattered when it hit the ground.

5. Lack of Adequate Medical Treatment Within a Reasonable Time

This category is limited to the events in Saint-Simon, during which people were injured as a result of police action. The complainants stated that the persons injured were detained by members of the RCMP who did not provide them with adequate medical treatment within a reasonable period of time. These complaints were made by Marie Jeanne Chiasson (complaint 150), Rosemonde Losier (complaint 152), Elmira Mallais (complaint 157), Dérilda Morel (complaint 160), Lionel Foulem (complaint 161), (complaint 164) and Denise Mallet (complaint 167).

6. Other Complaints

Lastly, other complaints (or allegations) were received, in addition to those described above. They are difficult to place in any specific category and, for the purposes of the investigation, it was decided to place them in a general category:

a) Gilles Halley and Susan Barton, of the *Front commun pour la justice sociale* (complaint 1), complained that "an internal memo" had been sent from RCMP headquarters in Fredericton which indicated, in an alarmist manner, that a riot was about to occur in Saint-Sauveur;

b) Marcelle Lanteigne (complaint 2) said that she had to wait approximately 30 minutes before she could leave the schoolyard of Saint-Sauveur school on Friday May 2, because of the roadblock set up by 25 police cars at the exit from the yard;

c) Marguerite Plourde (complaint 10) complained that the police presence was intimidating when members of the Save-Our-School Committee went to the Atlantic Host Inn to meet the Minister of Education and the Assistant Deputy Minister;

d) Gérarda Morais-Thériault (complaint 11) complained that on the evening of May 3, when she was returning home after visiting her sister in Saint-Sauveur, a police officer stopped her for speeding; she was of the view that the real reason was that she had been in Saint-Sauveur;

e) Avila Duguay (complaint 23) alleged that action by RCMP members during the events of May 2 prevented him from driving his wife to the emergency ward because the road was blocked;

f) Pascal Gionet (complaint 37) complained that during the events of May 2, RCMP police officers prevented him from going to the fire station to perform his duties as a volunteer fire-fighter;

g) Odette Rousselle (complaint 38) said that when she was attempting to get to the demonstration to pick up her children, a police officer stopped her from doing so by placing his rifle on her stomach;

h) Jean-Guy Sonier (complaint 48), the Chief of the Saint-Sauveur volunteer fire-fighters at the time of the events, complained that the RCMP did not respond when he asked for them to act on May 3, that the members of the RCMP then invaded the community, and that the police officers were driving their patrol cars dangerously;

i) Martin Noël (complaint 63) complained that police intimidation continued. He was referring in particular to an incident that occurred when a car caught fire in Saint-Sauveur several months after the demonstration;

j) Diane Duke (complaint 138) complained that at approximately 8:00 p.m. on May 4, 1997, when she was driving west on Highway 160, she encountered an unmarked RCMP car being driven dangerously; and

k) Éloi Albert (complaint 169) complained that during the police action in Saint-Simon on May 4, 1997, the police entered his property without his permission and that one of the two officers made a disparaging comment about Francophones. He also complained that a police officer threatened his 88-year-old father.

III. CONDUCT OF THE INVESTIGATION

After the Commission Chair announced on March 20, 1998, that an investigation would be conducted in the public interest, the Commission assigned two investigators to conduct an exhaustive investigation into the events. They began their investigation on March 21, 1998.

The investigators contacted all the complainants, as well as numerous witnesses to the events. The people contacted by the investigators were receptive and willingly answered all the questions asked.

The investigators also contacted all police officers who could be identified as having been involved directly or indirectly in the events that occurred in Saint-Sauveur and Saint-Simon. Transcripts of their statements were also prepared for the use of the Commission. The investigators also interviewed the Commanding Officer of "J" Division in Fredericton, the Officer in Charge, Criminal Investigations, "J" Division, and the officers in charge of the various police units that were present during the events. Lastly, the investigators interviewed the RCMP officers in charge of the Police Service Dog teams, including the Assistant Director of the Canadian Police College, who was previously the Director of the Police Dog Service Training Centre in Innisfail, Alberta. The Commission notes that all police officers agreed to meet the investigators and cooperated fully.

Most of the interviews were recorded. A transcript of these interviews was prepared for use by the Commission. Those who preferred not to be recorded made statements.

The Commission also received 71 documents as exhibits. The list of exhibits constitutes Appendix D of this report.

The work of the investigators was long and difficult. Without their unfailing commitment and their undeniable professionalism, this investigation could not have been completed as quickly as it was.

PART II: THE EVENTS

IV. BACKGROUND

1. Decision by the Minister of Education

Education in New Brunswick is a thorny and sensitive policy issue. In the early 1990s, the Premier of New Brunswick decided to establish a working committee. The Commission on Excellence in Education, established in November 1991, released its report *L'école à l'aube du 21e siècle*[*] in May 1992.

Following the release of this report, the government began a complete reform of the education system. One of the government's goals was to give a new economic and administrative orientation to the system of governance in education. It was within the framework of this reform that the decision was made to begin reducing the number of school boards, followed by their eventual elimination in 1996. The purpose of the decision was to reduce administrative costs while improving administrative and educational efficiency. In response to these administrative and structural changes, Parents' Committees were set up in each school. These committees became very active, even though they had no legal status of any kind within the structure of governance in education.[1]

The reform process also led to the decision to close a number of schools. The whole process was spread over a number of years.[2] The government explained its decision by saying that there was a gradual but steady decline in the number of students in the province.

The educational cutbacks were made gradually. For example, the schools in Petite-Rivière-de-l'Île and Lamèque, on the Acadian Peninsula, closed in the year before the demonstrations.[3] The decision was made by the existing school board at the time. The same scenario was repeated for the schools in Saint-Léolin, Sainte-Rose and Saint-Simon. These schools were identified by the school board approximately one year before they were to be closed. Meetings with parents in these communities were held to inform them of the school board's decision and to discuss any concerns they might have.[4]

---

[*] Translator's note: English Title not found.

[1] The enactment of the new *Education Act* in 1998 led to the creation of parent advisory committees in each school. However, the Parents' Committees referred to in this report are different from these parent advisory committees as they lack any school administration powers.

[2] Keith Coughlan, Appendix 40-Si, p. 22.

[3] Keith Coughlan, p. 22.

[4] Keith Coughlan, p. 22.

Note: footnotes regarding appendices refer to investigation documentation, not to the appendices to this report.

When the decision was made to close the school in Saint-Sauveur, the New Brunswick school boards had already been dismantled by the government and the decision to close this school had therefore been made by the government on the basis of a recommendation by district administrators. Unlike the other communities affected by the school closings, parents in Saint-Sauveur were not asked to attend a preliminary meeting when their school was added to the list of planned closings, and they were thus unable to explain their concerns within the decision-making process.

In December 1996, Messrs. Keith Coughlan and Luc Lajoie, the superintendents of the school districts in question, announced that schools in their districts would be closed, including the elementary schools in Saint-Simon and Saint-Sauveur. The final decision to close the Saint-Simon school was confirmed to the community on December 18, 1996. The residents of Saint-Sauveur were surprised to learn on December 21 of that same year that their school also had been added to the list of schools to be closed.

2. Creation of Save-Our-School Committees

After the government announced that their schools would be closed, concerned parents and citizens in Saint-Sauveur and Saint-Simon organized save-our-school committees. The purpose of these committees was to negotiate with government representatives and exert political pressure to influence the government to reverse its decision.

A) Saint-Sauveur

In December 1996, Keith Coughlan, Superintendent of School Districts 7 and 9, and Luc Lajoie met a number of Saint-Sauveur residents to tell them that their school was on the list of planned school closings.[5] Following this announcement, the La Découverte School Parents' Committee mobilized [TRANSLATION] "to look for information and prepare a case for the departmental representatives."[6] A Save-Our-School Committee for La Découverte School was created in early February 1997.[7]

At the beginning, the Save-Our-School Committee had a number of members, including Chair Monique Ferron, Vice-Chair Thérèse Albert, Ivy Brideau,[8] Gloria Boudreau, Linda Doiron,[9] Laurier Duguay,[10] Ginette Losier,[11] Alban Noël,[12] Marguerite Noël, Marguerite Plourde, Ginette St-Pierre and Diana Vienneau.[13] The committee's first task was to prepare a complete information package for submission to the Government of New Brunswick. The goal of the Save-Our-School Committee was to demonstrate to the provincial authorities that the decision to close their school was ill-founded and that economic efficiency would not be achieved by means of this measure. Beginning in March 1997, some members of the Save-Our-School Committee and some concerned parents began to show their discontent in various ways.

---

[5] Monique Ferron, Appendix 18-Sa, pp. 1-2.
[6] Thérèse Albert, Appendix 24-Sa, p. 2.
[7] Thérèse Albert, Appendix 24-Sa, p. 2.
[8] Ivy Brideau, p.11.
[9] Linda Doiron, Appendix 52-Sa. She resigned a few weeks before May 2, 1997.
[10] Laurier Duguay, p. 1.
[11] Thérèse Albert, Appendix 24-Sa, p.30.
[12] Alban Noël, p. 2.
[13] Thérèse Albert, Appendix 24-Sa, p. 35.

Subsequently, representatives of the Save-Our-School Committee met various representatives of the Department of Education of New Brunswick and the Government of New Brunswick on a number of occasions. The last meeting prior to the demonstration of May 2, 1997, was held that very day. In spite of the additional information provided, the government remained determined to close the school. The events that ended in the demonstration of May 2 are discussed in greater detail in Chapter VII.

B) Saint-Simon

The citizens of Saint-Simon learned in December 1996 that their school was definitely to be closed. The news was given to the Parents' Committee by the representative of the school district on December 18.[14] At the time, Lorette-Doiron School in Saint-Simon was also under the authority of Keith Coughlan, the Superintendent of School Districts 7 and 9.

Following the announcement of the closing, the school's Parents' Committee got involved in order to gather information and prepare a case to oppose the decision to close the school. This committee remained very active until the events were over. The Chair of the committee was Mireille Manuel.[15] Isabelle Léger was the secretary. The other members included Johanne Landry-Gallien and Maryse Chiasson. The Save-Our-School Committee for Lorette-Doiron School in Saint-Simon was established somewhat later than the other committee in Saint-Sauveur. The committee in Saint-Simon was chaired by Fernande LeBreton and its members included Jean-Guy Lanteigne, Lyne Lanteigne and Claude Doiron.

The Saint-Simon representatives also held a number of meetings with their Deputy Minister, Bernard Thériault, and with representatives from the Department of Education and the Government of New Brunswick. The last meeting was held on May 2 in Caraquet. At this meeting, government representatives confirmed their decision to close the school in Saint-Simon.

3. Action Against the Government

After the events that gave rise to this investigation, the representatives of the Saint-Sauveur and Saint-Simon communities got together with representatives of Sainte-Rose and filed an application for judicial review with the Court of Queen's Bench of New Brunswick to quash the Department of Education's decision to close their respective schools.

---

[14] Mireille Manuel, p. 1.
[15] Mireille Manuel, p. 1.

The parties to the application filed a motion with the Court of Queen's Bench of New Brunswick to obtain an interim injunction to prevent the closing of their schools until the action was dealt with. The Honourable Justice Daigle, then Chief Justice of the Court of Queen's Bench (now Chief Justice of New Brunswick), ruled in a decision of June 26, 1997 that the schools had to remain open until final determination of the application.[16] A few days before the hearing of the application, the Government of New Brunswick reconsidered its position and decided to keep the schools open.

---

[16] *Comité de sauvegarde de l'École La Découverte de Saint-Sauveur et al.* v. *New Brunswick (Department of Education) et al.* (1997), 191 N.B.R. (2nd) 139 (C.Q.B.).

V. THE ROYAL CANADIAN MOUNTED POLICE IN NEW BRUNSWICK

New Brunswick availed itself of subsection 20(1) of the *Royal Canadian Mounted Police Act*, R.S.C., 1985, c. R-10, to enter into an agreement with the federal government to use the RCMP to provide police services in the province. In New Brunswick, government authority for police services rests with the Solicitor General.

1. Police Organization

At the time of the events under consideration in this investigation, RCMP operations in New Brunswick (called "J" Division) were broken down into districts. Each district was under the authority of a commander. The district concept was relatively new in 1997. This form of organization was implemented in September 1994, to improve the effectiveness of police services in the province. The first district to be created[17] was District No. 8 in the Acadian Peninsula. District headquarters were located in Tracadie-Sheila.

A) RCMP District No. 8

In May 1997, Saint-Sauveur and Saint-Simon were part of RCMP District No. 8, under the command of Staff Sergeant Charles Castonguay since June 10, 1995. It was his responsibility to ensure proper operations and administration in the district. In this capacity, he supervised 46 police officers throughout the region from Néguac to Shippagan and Lamèque. The Staff Sergeant estimated that there were approximately 60,000 residents within the district.

The creation of RCMP District No. 8 led to the amalgamation of five RCMP administrative offices. The RCMP had nevertheless maintained operations at all of the former facilities, but from an administrative standpoint, all operations were now under a single district commander. Each office or detachment had a non-commissioned officer in charge. Sergeant Bernard Lajoie was the non-commissioned officer in charge, Police Operations, RCMP District No. 8 North. His detachment was located in Caraquet and served that community, as well as Shippagan and Lamèque. Saint-Simon was within this jurisdiction.[18] Saint-Sauveur was served by the Tracadie-Sheila Detachment, under the responsibility of Charles Lemay, the non-commissioned officer in charge, Operations, RCMP District No. 8 South.[19]

2. The RCMP Special Unit

In this report, "RCMP Special Unit" refers to all of the special RCMP teams used to intervene in emergency situations that are often beyond the control or capacities of the regular force. The special nature of each team involved in the events in Saint-Sauveur and Saint-Simon is discussed below. The special unit thus consists of several relatively flexible teams that may be called upon by a district commander, depending on the circumstances and requirements. The police officers operate throughout the province. This means that the special unit does not have regular and permanent members. When it is called upon to deal with a crisis, the police officers are to muster in a specified location. Approximately ten hours[20] are usually required before the special unit can be fully operational. Hence, to the extent possible, it is important to foresee the need for its presence. It is also important to hold practice sessions on a regular basis to make the team as effective as possible.

---

[17] Bernard Lajoie, Appendix P3, p. 31 and René-Pierre Tremblay, Appendix P5, p. 122.

[18] Bernard Lajoie, Appendix P3, p.2.

[19] Bernard Lajoie, Appendix P3, p. 3 and Lemay, p. 2.

In 1997, the various components of the special unit were under the authority of Operational Support.[21] This branch of police services in the province was, at the time of the events of May 2 to May 4, 1997, under the command of Inspector René-Pierre Tremblay, whose office was located in Fredericton. Inspector Tremblay was responsible for administering and supervising the special teams, including the identification unit, the Police Service Dog teams, the tactical troop, the Emergency Response Team, the Major Crimes Unit and the Underwater Recovery Unit.[22] Inspector Tremblay had been in his position since December 1996.

Inspector Tremblay reported to the officer in charge, Criminal Operations, Superintendent Michel Séguin, who was responsible for the overall supervision of all police operations in the province, including relations with the Solicitor General's Office. He reported directly to the commanding officer of the RCMP in New Brunswick, Chief Superintendent Garry James Loeppky.

Operations of the tactical troop in New Brunswick were divided into two areas: there was one unit for the west and another unit for the eastern part of the province.[23] During the events in Saint-Sauveur and Saint-Simon, it was the east tactical troop that was mustered.

In addition to the regular forces assigned to control highway traffic, the RCMP Special Unit that intervened in the events in Saint-Sauveur and Saint-Simon consisted of the tactical troop, which includes the tear gas unit, the arrest unit, the identification unit, the Emergency Response Team and the Police Service Dog teams.

For the events at both Saint-Sauveur and Saint-Simon, the members of the RCMP Special Unit who intervened were the same with the exception of the helicopter which was not used in Saint-Simon. Mustering and deployment were similar in both situations. This section discusses aspects of special unit technical operations. To better understand the events that took place in Saint-Sauveur and Saint-Simon, the following introductory section is provided.

---

[20] René-Pierre Tremblay, Appendix P5, p. 22.
[21] René-Pierre Tremblay, Appendix P5, p. 2.
[22] René-Pierre Tremblay, Appendix P5, p. 2.
[23] René-Pierre Tremblay, Appendix P5, p. 157.

A) Assembly of the Special Unit

When a district commander wishes to call in the special unit in New Brunswick, a request is made to the officer in charge, Criminal Operations or the officer in charge, Operational Support, "J " Division, in this instance, to Superintendent Séguin or Inspector Tremblay. The request to muster the special unit was made by Staff Sergeant Castonguay to Superintendent Séguin on the morning of May 1, 1997, at 11:21 a.m.[24] Shortly after the request was submitted, Superintendent Séguin asked Inspector Tremblay to go to the site[25] to supervise the readiness and the deployment of members of the unit.

In 1997, the tactical troop for Eastern New Brunswick was under the command of Sergeant Bernard Lajoie, with Sergeant Michel Potvin as his second in command. During the events of May 2 and 4, 1997, responsibility for the unit had been delegated to Inspector Tremblay in cooperation with Sergeant Bernard Lajoie.[26] On the other hand, command on the site had been turned over to Sergeant Potvin. It had been agreed between Sergeants Lajoie and Potvin that in the event of an incident in Sergeant Lajoie's district, Sergeant Potvin would assume command of the unit. Consequently, if the district commander wanted to have the special unit at a specific location, an order was to be given either to Inspector Tremblay or Sergeant Lajoie. Once the unit was in place, Sergeant Potvin was to take control and supervise manoeuvres.[27] Sergeant Potvin was also responsible for ensuring that the intervention was to be effected in accordance with policy standards and that the least possible force was to be used.[28]

When the special unit is called in, selection of the sub-units to be used in making up the special unit is normally at the discretion of the commander at the site.

When the special unit begins to move, the various teams move in the following order: tactical troop, tear gas unit, the Emergency Response Team, the arrest unit and the dog teams. Depending on the circumstances and needs, the unit may adopt different formations, for example single rank file formation, right diagonal formation, left diagonal formation or diamond formation. Each formation has a specific objective. For example, right or left diagonal formation makes it possible to clear the front of a building. During the events in Saint-Sauveur and Saint-Simon, the formation adopted was single rank file formation.

The Commander of the unit generally stays at the rear of the troop. During the events in Saint-Sauveur, his position was somewhat different, because Sergeant Potvin was placed to the left of the troop. Each member in the unit has a headset inside a helmet and receives orders from the commanding officer. The Emergency Response Team differs from this in that their radio system enables them not only to follow orders from the Emergency Response Team commander, but also to communicate with him.

---

[24] Michel Séguin, Appendix P85, p. 7.

[25] René-Pierre Tremblay, Appendix P5, p. 17.

[26] Bernard Lajoie, Appendix P3, p. 84.

[27] Bernard Lajoie, Appendix P3, pp. 84-5.

[28] Charles Castonguay, Appendix P2, p. 50.

The various components of the special unit are described in Appendix C. In an activity report submitted on May 29, 1997, Sergeant Potvin described the special unit employed at Saint-Sauveur as follows: 40 members of the tactical troop, 10 members of the Emergency Response Team, 4 dog handlers, 2 members of the identification unit and 10 members of the arrest unit. Sergeant Potvin said that the unit formation was identical during the intervention in Saint-Simon. Questioning of police officers revealed a number of variations in the members used at Saint-Sauveur and Saint-Simon. However, these variations are irrelevant to the events in question and to the findings of this report.

(i) Tactical Troop

In a single rank file formation such as the one used in Saint-Sauveur and Saint-Simon, the advance begins with the tactical troop. The number of members in the unit may vary depending on the circumstances and requirements. Each member is supplied with a shield, a baton, a riot helmet and protective clothing. A communications system is incorporated into the helmets for police officers in this unit. Transmission is one-way only, that is, from the commander of the troop to the troop members. Members also wear gas masks so that they will not suffer from the effects of tear gas. In the events in question, the tactical troop was under the command of Sergeants Lajoie and Potvin.

(ii) Tear Gas Unit

The members of this unit are divided into two groups. In the first are the tear gas launchers, who are equipped with tear gas guns; in the second are the people who carry ammunition. Generally, four members fire the tear gas cartridges. These police officers are automatically part of the tactical troop and therefore report to the same authorities.

(iii) Emergency Response Team

In New Brunswick, this unit consists of 12 members who also perform regular police duties. When called in, they are required to leave their assigned tasks and report to the mustering point.[29] The Emergency Response Team is responsible for specifically dealing with people who are armed or who may be dangerous. This means that these officers are armed, usually with a precision rifle (type MP-5 or M-1682), as well as a handgun. As a result of previous events that took place on the Acadian Peninsula during the crisis regarding crab fishing, in which Constable Marc Plourde was injured, it was decided that the Emergency Response Team would automatically be mustered when the authorities called in the tactical troop to deal with demonstrations.[30] Nevertheless, the officer in charge at the site had the ultimate authority to use or not to use the Emergency Response Team.

---

[29] René-Pierre Tremblay, Appendix P5, p. 2.

Members of this team dress differently from the others. They wear two-piece navy blue or dark grey, almost black suits. The helmet does not have a visor and it is smaller because it does not cover the ears. Because there is no visor, members of this unit wear safety goggles. Unlike police officers who are members of the tactical troop, Emergency Response Team members are supplied with a two-way communication system between the Emergency Response Team commander and the members of the team.

During the events that took place in Saint-Sauveur and Saint-Simon, the member responsible for this unit was Sergeant Wilfrid Hiscock. He was ordered to go to the Acadian Peninsula by Inspector Tremblay. However, he reported to Sergeant Potvin, who was in charge of the troop.

(iv) Arrest Unit

The members of this unit are also called soft hats. They wear much lighter outer clothing, usually their current uniform, with trousers bearing a yellow line down the side of the leg. When a member of the tactical troop, in the process of clearing a road, seizes a demonstrator, the demonstrator is transferred to another member who arrests the demonstrator, hence the name "arrest unit". Members of the arrest unit are also responsible for taking the people arrested to the patrol cars so that they can be driven to the designated police station.

There was a time when members of the arrest unit did not wear protective headgear. However, in view of their proximity to the rest of the troop, they too are subject to attack and have consequently been equipped with helmets.[31] However, it is not clear whether, during the events in Saint-Sauveur and Saint-Simon, the members of this unit were equipped with helmets. The evidence gathered would appear to indicate that they were not wearing helmets during the action in Saint-Sauveur whereas they were in Saint-Simon. These police officers are also equipped with gas masks. Furthermore, because members of the arrest unit wear their normal uniform, they also wear their usual service firearm.

Unlike the other teams, the arrest unit consisted of police officers from the district or from the special unit on duty, in this instance RCMP District No. 8.

---

[30] Charles Castonguay, Appendix P2, p. 59.
[31] Bernard Lajoie, Appendix P3, p. 71.

(v) Police Service Dog Team

As the name indicates, each member of the Police Service Dog team is accompanied by a dog. These dogs have received special training and are primarily used to control the most difficult demonstrators. They are also used as a psychological deterrent to encourage demonstrators to disperse. As the dogs do not have any protective gear, this unit is placed at the rear of the platoon.

At the time of the police intervention in Saint-Sauveur and Saint-Simon, there were four dog handlers in New Brunswick. These were Corporals Jean Blondin, Donald Chenel, Pierre Gardner and David Willson. All were present at the events except Corporal Willson, who stated that he was present only at Saint-Simon on Sunday evening.

(vi) Identification Unit

The identification team deployed in Saint-Sauveur and Saint-Simon consisted of two police officers from the Bathurst RCMP forensic identification unit: Corporals Michel Lamanque and Fidèle St-Amand. These police officers were equipped with cameras and a vehicle, a cube van. The van was driven by Corporal Shawn Ryan. There is a cage attached to the roof of the van to protect the police officer operating the camera.

The identification unit is a recent addition to the special unit. Indeed, during the crisis regarding crab fishing in the Acadian Peninsula, the police were criticized because they did not have any audio-visual evidence of the events. Sergeant Lajoie therefore made an effort to equip the troop appropriately. However, the newly acquired van had not been designed for this purpose and needed to be modified for its new functions, and this work had only been partly completed. In other words, the van was not fully operational at the time of the events. For example, the only source of power for the camera was the cigarette lighter socket in the vehicle; so, every time the electrical cable operating the camera was moved, it lost power. The quality of the pictures produced by the equipment was therefore second-rate at best.[32]

(vii) Helicopter

The helicopter was only used on May 2 in Saint-Sauveur. It performed many functions. Helicopters constitute an effective reconnaissance tool. They may also be used for technical support, such as shedding light on a crowd when it is dark. Helicopters are also useful for surveillance. They make it possible to obtain an overview of the site and to view events from a completely different perspective. A helicopter can allow the police to locate and identify people who are suspected of being hidden in the crowd or nearby.

---

[32] Bernard Lajoie, Appendix P3, p. 227.

In Saint-Sauveur, the helicopter was used for technical support during the demonstration. It was equipped with a rotating light that could be controlled by means of a lever inside the helicopter. The pilot was Staff Sergeant Steve Seiffert, with Sergeant Lemay of the Tracadie-Sheila Detachment in charge of the light. Using the lever, Sergeant Lemay could aim and control the direction of the beams to shed light on the demonstrators, making it possible also for the identification team on the ground to record events on videotape.

B) Request for Presence of Special Unit

Staff Sergeant Castonguay asked officials of the New Brunswick Department of Education that he be notified prior to the government's final decision concerning the closure of the schools in Saint-Sauveur and Saint-Simon, so that he could ensure public safety and plan police action if necessary. After requesting such information several times, he eventually obtained a response on May 1, the day before the meeting between the Minister and the representatives of the communities in question; the government refused to reverse its decision.[33] Measures were therefore taken at the time for the RCMP Special Unit to be present during the meetings scheduled for May 2 with the Minister of Education. The unit arrived early on the morning of May 2. After mustering at the Caraquet arena, the members of the unit spent the afternoon carrying out intervention exercises.[34]

Staff Sergeant Castonguay had a feeling that the events could degenerate and as a result, on May 2, 1997, following the meetings with the Minister of Education and the Assistant Deputy Minister, he telephoned Superintendent Michel Séguin in Fredericton and asked him for permission to keep the special unit in the Acadian Peninsula in case it was needed to intervene quickly. The following are the reasons he gave in support of his request:

> [TRANSLATION]
> And I had a number of reasons to explain my request to him, which I could list here, and which I have in writing moreover.
>
> Public security was clearly at risk in the region. The roads were blocked. There was clearly the possibility that there would not be enough police officers in the – in the Eastern Region of Canada and the Maritimes to prevent them from doing what they should do. There had been threats that the schools would be set on fire. There was a threat that they would be blown up. There had been threats against members – members, particularly Robichaud, Laliberté, Plourde, a member who had been seriously injured moreover, the previous year, and who came from the Saint-Sauveur area, and who knew full well that what the people were saying was true.
>
> There was the question of guns, that people were prepared to use guns. Fires had been set along the highway. There were – during the call with Mr. Séguin, clearly rocks had previously been thrown. There were illegal roadblocks. There were to be demonstrations the next day with people coming from Bathurst.
>
> [...]

---

[33] Bernard Lajoie, Appendix P3, p. 78.
[34] Bernard Lajoie, Appendix P3, p. 79.

> There were – demonstrations, as I told you, against – in connection with unemployment insurance to be held the following day in Bathurst and we already knew that the people of Saint-Sauveur and Saint-Simon and others were going to go there to make a presentation so that people there would come and support them.
>
> There were the lobster negotiations, which had already reached a very important stage, and we were waiting for very serious announcements, and perhaps see people there getting together with them to make their point even more forcefully, and of course, there were people who were sick who had to drive along the highway regularly to go to Bathurst.
>
> There were tourists, truckers, people who worked either at the smelter, the mill in Bathurst, at hospitals or at schools, in other areas, who could no longer get to work, who were losing an enormous amount of time, and they had to take enormously long detours to get to their destinations.
>
> There was – in fact, a loss of control, a major point, was the loss of control by Ms. Albert, who admitted to Constable Robichaud the evening of the 2nd before the riot that she had clearly lost control and it was becoming very significant.
>
> It was also the weekend, a series of riots was expected everywhere. There were monster traffic tie-ups between April 16 and May 2, and things had got to a point where we could no longer accept it.
>
> The hospitals were complaining about the closing of their hospital, particularly in connection with Tracadie, although they were – were calm. We might even expect that there may have been a link at one point for them to – to want to make their own point. If the schools were marching with the monster demonstrations and blocking all the roads, "why not the rest of us?" [quotation in original in English].
>
> There were also the people wearing balaclavas on April 17, and we were expecting more. Threats had also been made before, particularly on April 17, against the member of the forensic identification unit, and they definitely sent them away from there saying: "Don't come back" or things like that. There was also the Néguac Indian Reserve which was in a – in a very shaky state as well, and we were expecting a few demonstrations there not in connection with the schools there, but at least in connection with unemployment insurance.
>
> So taking all of that into consideration, I had no alternative but to ask for assistance from... the tactical troop to Mr. Séguin and based on that information, I got the green light to the effect: "If you need to, use it".[35]

Although the Staff Sergeant referred to a demonstration about unemployment insurance reform in Bathurst scheduled for May 3, we note that this area was not part of his jurisdiction and fell rather within District No. 9.[36]

---

[35] Charles Castonguay, Appendix P2, pp. 46-9.

[36] Bernard Lajoie, Appendix P3, p. 81.

VI. EVENTS IN SAINT-SAUVEUR

Highway 160, which connects Saint-Isidore to the east, to Allardville to the west, runs through the small community of Saint-Sauveur. The Highway runs in front of La Découverte School, which is the main location of the events of May 2, 1997. It is considered one of the main arteries in the Acadian Peninsula.

1. Period Prior to May 2, 1997

As mentioned previously in Chapter IV, after the Department of Education announced in December 1996 that La Découverte Elementary School in Saint-Sauveur was on the list of schools to be closed, the Parents' Committee at the school decided to prepare an information package to submit to government representatives.

The Parents' Committee had prepared an information package to convince the Minister of Education that his decision was ill-founded. According to the information package, it would cost the New Brunswick taxpayers more to bus the Saint-Sauveur students to Allardville than to keep the school open: the savings would amount to several thousand dollars.

The information was given to the Superintendent of School District 7 and 9, Keith Coughlan, who in turn forwarded it to the Minister of Education, James Lockyer. An initial meeting was organized in Fredericton in February 1997 between the representatives of the Save-Our-School Committee, James Lockyer and Deputy Minister Georgio Gaudet.[37] The Minister of Education said that he was impressed by the work done by the parents and promised committee representatives that he would carefully review all the information on the file. A few weeks later, Monique Ferron, the Chair of the Save-Our-School Committee, received a call from Keith Coughlan, informing her that the Minister had not reversed his decision.

After receiving the news, several members of the community met. At the meeting, it was decided that they would do further work on presenting their case. Another file was turned over to and discussed with the Minister of Education. James Lockyer's decision to close the school remained unchanged.[38] He informed the residents of Saint-Sauveur of this on/or about March 26, 1997.[39]

After receiving two negative responses from the Minister, the community decided on March 27, 1997 to boycott the school.[40] According to Thérèse Albert, Vice Chair of the Save-Our-School Committee at the time the decision was made, all lawful methods of applying pressure had been tried, in vain, and the time had come to do something more drastic.[41] That is when some members of the Tracadie-Sheila RCMP Detachment went to Saint-Sauveur for the first time to establish contact with the committee.[42] Staff Sergeant Charles Castonguay, Commanding Officer of RCMP District No. 8, appointed Corporal Denis Laliberté to be in charge of keeping lines of communication open with the community, and in particular with the Save-Our-School Committee.

---

[37] Monique Ferron, p. 2.
[38] Monique Ferron, p. 3.
[39] Charles Castonguay, p. 7.
[40] Thérèse Albert, Appendix 24-Sa, p. 5.

On March 27, 1997, demonstrators began to block access to the school. They had set up in the schoolyard near the highway and refused to allow buses, students and teachers from entering school property. Keith Coughlan, Superintendent of the School District, made a complaint to the Tracadie-Sheila RCMP Detachment.[43] No further action was taken by the school district to disperse or restrict the activities of the demonstrators. Although the parents were not blocking Highway 160 at the time, traffic was slowed down considerably. The RCMP spent the whole day there. At 3:30 p.m., it was all over.

March 27, 1997 was the day before Easter weekend. There were no demonstrations between March 28 and 31. However, demonstrations resumed on April 1. The boycotting of classes also continued, with most parents keeping their children at home. A crowd gathered at the entrance to La Découverte School and along the highway, again causing traffic slow-downs.

The same scenario was repeated on April 2, except that this time, discussions with the police took a completely different tone. Tension was mounting and increasingly rude comments were exchanged. Corporal Laliberté said that he had understood the comments made by demonstrators to mean the following:

> [TRANSLATION]
> People were telling us:
> We protested in the past for Highway 160 and for our fire station and to resurface Highway 160 and we got what we wanted. We're going to do the same thing for our school. We have to because the school is the soul of our village. We were born here and we don't want to leave. We will keep our school and do all of that. We will blow it up or burn it down rather than lose it. The police, well we in Saint-Sauveur are not afraid of that. You don't know us (the people of Saint-Sauveur), you don't know what we're capable of doing here in Saint-Sauveur. Taking our guns, if we have to, we have nothing left to lose.[44]

A meeting had been planned for April 3, 1997 between the Superintendent of the School District, Keith Coughlan, and members of the community of Saint-Sauveur. The purpose of the meeting was to discuss steps to be taken to transfer the teachers and students from La Découverte

---

[41] Thérèse Albert, Appendix 24-Sa, pp. 4-5.
[42] Thérèse Albert, Appendix 24-Sa, p. 5.
[43] Laliberté, pp. 3-4.
[44] Laliberté, Événements chronologiques des démonstrations à Saint-Sauveur, N.B. p. 2.

School to other schools. The meeting had to be cancelled after information was received by the RCMP to the effect that demonstrators would come and interrupt the meeting.[45]

On April 4, even though the schools were closed because of the weather conditions, Sergeant Charles Lemay contacted the Superintendent of the School District, Keith Coughlan, to encourage him to arrange a meeting between the Minister of Education and the parents, thereby giving parents the opportunity to discuss the closing of their school. A meeting was scheduled for April 8, 1997. At the meeting, the community representatives in attendance were once again faced with the Minister's refusal to reverse his decision. The authorities of RCMP District No. 8 were informed of the Minister's position on the following day via the media. Following this new refusal, the parents continued to boycott classes and demonstrations continued until April 17.

On April 17, 1997, the demonstrators decided to increase the pressure. They set a fire on Highway 160 itself, completely blocking traffic. The fire was set early in the morning and was kept burning all day until approximately 8:30[46] or 9:00 p.m.[47] Over 75 people[48] were at the demonstration, but things remained relatively calm.

Constables Lyne Couture and Michel Trahan of the Tracadie-Sheila Detachment went to the site early that morning. At the time, Constable Couture estimated that there were between 20 and 25 demonstrators on the highway.[49] The police had approached the crowd to warn them that what they were doing was illegal. They were then surrounded by the demonstrators and subsequently chose to withdraw. Sergeants Charles Lemay and Bernard Lajoie were informed of the presence of the demonstrators.[50] Sergeant Lajoie went to the site of the demonstration. Corporal Laliberté then arrived, followed by other police officers. According to Thérèse Albert, the only instruction given to the police officers was to check and make sure there were no alcoholic beverages, drugs or weapons.[51] Sergeant Lajoie gave his cellular telephone to Thérèse Albert and she tried to contact the government representatives to set up a meeting.[52] The demonstrators were set up rather comfortably. They had a picnic table, a good supply of wood, and some had brought a barbecue so they could cook for the people who were there. A meal had been prepared at the site and the police were invited to share the food with them. During the evening, a musician played guitar.[53]

After going to the site of the demonstration, Sergeant Lajoie identified three possible options to deal with the traffic problem: 1) maintain open communication with the population and restore traffic flow; 2) deploy the Arrest Unit to arrest the demonstrators, which could have a deterrent effect on the population; or 3) put the Special Unit in a state of alert. After holding discussions with management of Criminal Operations as well as with Staff Sergeant Castonguay, it was decided to go along with option number one.[54]

---

[45] Charles Castonguay, Appendix P2, p. 15.
[46] Thérèse Albert, Appendix 24-Sa, pp. 9-19 and Thérèse Thomas, Appendix 28-Sa, pp. 2-3.
[47] Charles Castonguay, Appendix P2, p. 21.
[48] Thérèse Albert, Appendix 24-Sa, p. 12.
[49] Lyne Couture, pp. 5-6.
[50] Lyne Couture, p. 11.
[51] Thérèse Albert, Appendix 24-Sa, p. 15.
[52] Bernard Lajoie, Appendix P3, p. 15.
[53] Thérèse Albert, Appendix 24-Sa, p. 19 and Bernise Roussel, Appendix 59-Sa, p. 9.

There were a few concerns that day. For example, a number of demonstrators had their faces covered.[55] During the evening, Thérèse Albert got into Corporal Laliberté's patrol car and they observed the crowd together; they noted that several people were not from the area.[56] In the afternoon, the RCMP forensic identification unit was called to the site to videotape the events.[57] Corporal Michel Lamanque was the first to arrive. He took his equipment out of the van and began to videotape the demonstrators. When they noticed that Corporal Lamanque was videotaping them, approximately 15 demonstrators moved in his direction, one of them with a shovel. As the group approached, the police officer placed his equipment in the van and got in himself. A few demonstrators had already approached the van. The man with the shovel placed it on the windshield of the van and demanded that Corporal Lamanque give him the video cassette; Corporal Lamanque backed up the van without doing so. Corporal St-Amand then joined his fellow officer. They moved farther away and did some videotaping. Finally, at the request of Corporal Laliberté, the two members of the forensic identification unit ceased their activities.[58]

The next day, April 18, 1997, Highway 160 was blocked again. A fire was started early in the morning. The RCMP was called in again, and Sergeant Lajoie went to the site again. He only returned to the Tracadie-Sheila Detachment when the roadblock was removed.[59] In an attempt to find a way of calming down the population, Staff Sergeant Castonguay contacted Inspector René-Pierre Tremblay, Officer in Charge, Operational Support, in Fredericton. He wanted the RCMP to contact members of the government so that a representative could be sent to meet the demonstrators to hear their concerns.[60] Inspector Tremblay then discussed the situation with Inspector Gerry Lynch, Officer in Charge, Criminal Operations, and Chief Superintendent Garry Loeppky, Commanding Officer of the RCMP division in New Brunswick. At the time, Superintendent Michel Séguin was not yet the Officer in Charge, Criminal Operations. Following discussions, one of the RCMP officials contacted a provincial representative to request assistance in resolving the conflict and to suggest that government leaders meet the demonstrators.[61]

During the morning of April 18, the Vice-Chair of the Save-Our-School Committee, Thérèse Albert, attempted to schedule a meeting with a government representative. Some time later, the demonstrators received confirmation from Nathaniel Richard, a representative of the Premier's office, that a meeting had been arranged with Deputy Minister Georgio Gaudet and the

---

[54] Bernard Lajoie, p. 26.
[55] Charles Castonguay, Appendix P2, p. 23.
[56] Charles Castonguay, Appendix P2, p. 24.
[57] Bernard Lajoie, Appendix P3, p. 13.
[58] Denis Laliberté, p. 30.
[59] Bernard Lajoie, p. 40.
[60] Charles Castonguay, Appendix P2, pp. 24-5.
[61] René-Pierre Tremblay, Appendix P5, pp. 9 & 12.

Minister of Education, James Lockyer. The meeting was to be held that afternoon.[62] The highway was cleared for traffic at around noon.

As scheduled, on the afternoon of April 18, 1997, members of the Save-Our-School Committee and other people in the community went to the Atlantic Host Inn in Bathurst to meet Georgio Gaudet and James Lockyer. Thérèse Albert estimated the number of people attending at 16.[63] The police were represented by Staff Sergeant Charles Castonguay. Other police officers (Corporal Denis Laliberté, Corporal Serge Pothier, Sergeant Charles Lemay and Sergeant Bernard Lajoie) were also at the site, but did not take part in the meeting.[64]

On April 17 and 18, the parents in Saint-Sauveur were not the only people to demonstrate along the highways of the Acadian Peninsula; the residents of Saint-Simon and Rivière-du-Portage had also organized demonstrations. Representatives from these communities also had the opportunity to meet the Minister of Education. To deal with the problem as expeditiously as possible, the Minister wanted to meet the three groups at the same time. The Saint-Sauveur parents did not like this idea, and they requested to meet the Minister separately. Their request was met and the three communities met the Minister in turn. The representatives from Rivière-du-Portage went first, followed by Saint-Simon and then Saint-Sauveur. The meetings went calmly. After the La Découverte School Save-Our-School Committee informed the Minister of its complaints, another meeting was planned with the same persons in attendance for the following week, on April 25. The Minister promised to review the file carefully and to give them his final answer on that date.

The events of April 17 and 18 were beginning to lead the RCMP District No. 8 authorities to fear the worst. To ensure that there would be no violence stemming from the April 18 meeting with the Minister of Education, the tactical troop had been placed in a state of alert. Troop members were en route to the Atlantic Host Inn in Bathurst, where the meeting was to be held, when they were redirected to "l'Armurerie," a building close to the Inn. The order had been given to the troop to simply wait and be ready to act as required.[65] The meeting with the Minister went calmly and troop members returned home at the end of the day.

As the Minister had promised the Saint-Sauveur parents to review their file again and give them an answer by April 25, the following Friday, people cleared the highway but continued to demonstrate in the schoolyard. They awaited the Minister's response very impatiently.

On April 25, the only news that the Save-Our-School Committee received from the government representative was a message sent by fax announcing that the meeting had to be postponed until May 2, the following Friday. Notwithstanding this setback, the Save-Our-School Committee simply called a meeting with members of the community for the evening of April 25.

---

[62] Thérèse Albert, Appendix 24-Sa, p. 23.
[63] Thérèse Albert, Appendix 24-Sa, p. 27.
[64] Charles Castonguay, Appendix P2, p. 26 and Bernard Lajoie, Appendix P3, pp. 48-9.
[65] Bernard Lajoie, Appendix P3, pp.41-2.

The people at the meeting discussed the possibility of legal action against the Government of New Brunswick if the response was negative.[66]

On Sunday, April 27,[67] a protest march was held in Saint-Sauveur in the presence of the RCMP. The media were not there. Everything went smoothly and the crowd dispersed calmly.[68] On April 30, a crowd of approximately 200 people marched on Highway 160, escorted by Corporal Laliberté and Constable Fournier. The march ended uneventfully at 9:30 p.m.

The RCMP District No. 8 authorities were also awaiting the May 2 meeting with some apprehension. They attempted to find out what the decision of the Minister of Education would be so that they could plan their actions accordingly. On May 1, Staff Sergeant Castonguay learned what the Minister's response was going to be. That was when he decided to call in the Special Unit. He reached Superintendent Séguin, Officer in Charge, Criminal Operations, at 11:21 a.m. and informed him of the situation.[69] An intervention strategy was then prepared to ensure the protection of the Minister and the sites during the meeting.[70] At 12:08 p.m., Superintendent Séguin contacted Mike Connelly, the Director of Policing at the Office of the Solicitor General, to obtain information from the Minister of Education to ensure that his response would indeed be negative.[71] He received confirmation from Mike Connelly at 3:22 p.m. that same afternoon.[72]

Later, at 3:45 p.m., Corporal Laliberté met Thérèse Albert, the spokesperson for the La Découverte School Save-Our-School Committee. Corporal Laliberté wanted to know the mood of the people and to obtain information about the options that the community was considering in the event of a negative response from the Minister of Education. They discussed the matter until 6:30 p.m. Corporal Laliberté then gave Thérèse Albert photocopies of the relevant provisions of legislation related to highway safety and the *Criminal Code*. The community remained optimistic because it was convinced that the Minister would not travel to their region only to give them a negative response.

2. May 2, 1997

On the morning of Friday, May 2, members of the community of Saint-Sauveur gathered at the entrance to La Découverte School[73] to demonstrate. The traffic on Highway 160 was not, however, impeded.[74] Parents were impatiently awaiting the decision of the Minister of Education.

---

[66] Charles Castonguay, Appendix P2, p. 28.
[67] Hermel Mazerollle, Appendix 16-Sa, p. 57.
[68] Murielle Gionet, Appendix 11-Sa, p. 2.
[69] Michel Séguin, Appendix 85, p. 7.
[70] Michel Séguin, Appendix 85, p. 8.
[71] Michel Séguin, Appendix 85, p. 13.
[72] Michel Séguin, Appendix 85, p. 19.
[73] Irène Mazerollle, Appendix 6-Sa, p. 2, Alfred Breau, Appendix 7-Sa, p. 16 and Bernise Roussel, Appendix 59-Sa, pp. 3 & 4.
[74] Bernise Roussell, Appendix 59-Sa, pp. 3 & 4 and Diane Duke, Appendix 65-Sa, p. 2.

Early in the morning, at approximately 8:00 a.m., Constables Luc Fournier and Marc Plourde went to the site of the demonstration at the request of Corporal Laliberté. They went to keep abreast of the demonstrators' activities.[75] Each of the police officers went there in a patrol car and spent much of the day at the site. The crowd grew bigger as time went by, but everything went well.[76] Constable Plourde left the school at approximately 3:00 or 4:00 p.m.[77] Everything had calmed down by 4:00 p.m.[78]

A) Meeting of May 2 with the Minister of Education

As planned, a number of representatives of the La Découverte School Save-Our-School Committee met Minister of Education James Lockyer and Deputy Minister Georgio Gaudet at the Atlantic Host Inn in Bathurst on May 2, 1997 at approximately 1:00 p.m. Community members in attendance included Thérèse Albert, Monique Ferron, Ginette Losier, Ivy Brideau, Diana Vienneau, Ginette St-Pierre, Marguerite Noël and Marguerite Plourde.[79] RCMP members carried out surveillance of the entrance doors to the Inn and kept watch around the Inn. The RCMP was represented at the meeting by Staff Sergeant Charles Castonguay, the RCMP District No. 8 Commanding Officer. To the considerable dismay of the representatives of the Save-Our-School Committee, Minister Lockyer informed them that the Government of New Brunswick was maintaining its decision to close their school.

After the meeting with the Minister of Education and the Deputy Minister, the Committee members returned home and the Minister of Education was escorted to the airport. Shortly afterwards, Deputy Minister Georgio Gaudet called the Chair of the Save-Our-School Committee, Monique Ferron, to ask her to inform the community that the decision was final and to suggest to them that they put an end to their demonstrations. According to the Deputy Minister, the decision had been made and the community would simply have to accept it.[80] The Committee was to meet the members of the community that evening and would therefore be able to give them that information.

B) Meeting of Save-Our-School Committee on the Evening of May 2

In preparation for the meeting to be held at 7:00 p.m., Marcelle Lanteigne, the principal of La Découverte School, went to the school at 6:15 p.m. to open the doors to allow access to the building. Meetings had been held on a regular basis in previous months and the procedure was familiar to her. In addition, the Superintendent of the School District, Keith Coughlan, had given his consent for the school to be used for such a meeting. When she arrived, there were already two patrol cars in the schoolyard and a police officer came out to ask her for permission to attend the meeting. Shortly afterwards, journalists approached her and made the same request. The principal, Ms. Lanteigne, informed them that the decision was not hers to make and that they would have to ask those in charge of the Save-Our-School Committee.[81] Marcelle Lanteigne entered the school to complete the preparations for the meeting. She went to the gymnasium and began placing the chairs. With the help of another person, she set out 4 sections of 50 chairs each, for a total of 200 chairs.[82] At the meeting, "all the chairs were taken;" there were people sitting on benches at the rear and others who were standing.[83] "The school was full of parents."[84]

---

[75] Luc Fournier, p. 2.
[76] Luc Fournier, p. 2.
[77] Luc Fournier, p. 4.
[78] Bernise Roussel, Appendix 59-Sa, p. 4.
[79] Thérèse Albert, Appendix 24-Sa, p. 35.
[80] Monique Ferron, Appendix 18-Sa, p. 6.

Members of the Saint-Sauveur community went to the 7:00 p.m. meeting. People calmly sat in the gym.[85] When the Chair of the Save-Our-School Committee, Monique Ferron, arrived at the school shortly before 7:00 p.m., she saw a group of approximately 15 people, mainly men, at the door of the school, and as she approached she noticed and recognized Corporal Denis Laliberté, accompanied by another officer, Constable Marc Plourde.[86] During the demonstrations and the meetings, Corporal Laliberté had been designated by Staff Sergeant Castonguay as the liaison person with the community. When Monique Ferron saw Corporal Laliberté at the door of the school, she could see that he was attempting to convince the people around him to allow him to attend the meeting. When he saw Ms. Ferron approaching, Corporal Laliberté went to speak to her to obtain permission to attend the meeting.[87] There was a general outcry of protests by the people assembled at the door and she decided to consult the group. After spending a few moments inside the school, Ms. Ferron went out to speak with the officers and advise them that they could not attend the meeting and that she could not guarantee their safety.[88]

The meeting began with a speech by Yvon Godin, who at the time was running in the federal elections to be held in June 1997.[89] Then, the Chair gave a summary of the meeting with the Minister of Education and her telephone conversation with the Deputy Minister. After making these announcements, she told the group that she was resigning.[90] She said that the Minister of Education's decision had killed her motivation. In only a few minutes, there was a wave of resignations from the Committee; there was virtually no one left to complete the task. Everyone there seemed to be asking themselves if it was necessary to continue the battle or to admit that they had finally lost their school.

---

[81] Marcelle Lanteigne, p. 4.

[82] Marcelle Lanteigne, p. 7.

[83] Marguerite Noël, p. 18.

[84] Marcelle Lanteigne, p. 5 and Roger Hébert, p. 2.

[85] Hermel Mazerolle, Appendix 16-Sa, p. 2, Monique Ferron, Appendix 18-Sa, p. 12 and Thérèse Albert, Appendix 24-Sa, p. 43.

[86] See also Thérèse Albert, Appendix 24-Sa, p. 40.

[87] Monique Ferron, Appendix 18-Sa, p. 7.

[88] Charles Castonguay, Appendix P2, p. 54.

[89] Yvon Godin, pp. 4-5.

[90] Monique Perron, Appendix 18-Sa, p. 8.

Eventually, the members of the community decided to elect a new board of directors for the Save-Our-School Committee.[91] They felt they could not allow the government to believe that the citizens of Saint-Sauveur were prepared to accept the government's decision. In all, 17[92] or 18[93] members were appointed, including Thérèse Albert, Conrad Boudreau, Gloria Boudreau, Ivy Brideau, Rainald Duguay, Sylvie Noël, Gilbert Morais, Alban Noël, Gustave Noël Jr., Huguette Noël, Marguerite Noël, Sylvie Noël, Nathalie Richard and Pierrette Rousselle. After the board was elected, those attending discussed the available options. The first suggestion made was to wait for a few days to gain some perspective from which to analyse the events.[94] A second suggestion was then put forward: someone in the crowd got up and suggested a peaceful march.[95] The time was right, because unlike the march that had been held a few days earlier, there were many journalists present[96] and the community would have media coverage. The first initiative of those present was to agree to a protest march against the Minister of Education's decision; a few people said they would remain at the school. According to some people who were at the meeting, the plan was to leave the school, walk along Highway 160 to the west, turn around and come back to the point of departure (the school), after which the participants would quietly return home.[97]

C) Protest March

The citizens of Saint-Sauveur left the school at approximately 8:15 p.m. The weather was not very nice, but this did not prevent them from heading west along Highway 160. No barricades had been set up at the time, and no fires were lit, so that traffic on Highway 160 was not blocked.[98]

Although the assembled people had not allowed Corporal Laliberté to attend the meeting, the Save-Our-School Committee board members felt some obligation to the RCMP. When the people left the school for the demonstration, Thérèse Albert, the new Chair, went out to speak to the police. Unfortunately, they had moved away from the school.[99] Thérèse Albert went all the way to the highway and saw a police officer, but he was too far away for her to speak to him. She then attempted to signal him, but was not particularly successful in doing so. However, she did succeed in attracting the attention of a woman driver whose car was parked nearby and gave her a message to transmit to the police, which was that the Chair of the Save-Our-School Committee wanted to speak to them. Having passed on this message, Thérèse Albert returned to the school.

---

[91] Thérèse Albert, Appendix 24-Sa, p. 43.

[92] Rainald Duguay, p. 3.

[93] Sylvie Noël, p. 12 and Ivy Brideau, pp. 5 & 11.

[94] Thérèse Albert, Appendix 24-Sa, p. 45.

[95] Conrad Boudreau, Appendix 38-Sa, p. 3.

[96] Albina Duguay, Appendix 8-Sa, p. 1, Émile Gionet, Appendix 12-Sa, p. 3, Hermel Mazerolle, Appendix 16-Sa, p. 4 and Rhéal Ferron, Appendix 19-Sa, p. 4.

[97] Jacinthe Hébert, Appendix 3-Sa, p. 2, Léon Hébert, Appendix 5-Sa, p. 3, Hermel Mazerolle, Appendix 16-Sa, p. 58 and Conrad Boudreau, Appendix 38-Sa, p. 26.

[98] Jacinthe Hébert, Appendix 3-Sa, p. 11, Léon Hébert, Appendix 5-Sa, p. 9, Irène Mazerolle, Appendix 6-Sa, p. 7, Albina Duguay, Appendix 8-Sa, p. 13, Médard Chiasson, Appendix 10-Sa, p. 5, Pascal Gionet, Appendix 13-Sa, Renée Gionet, Appendix 14-Sa, p. 10 and Jim Breau, Appendix 15-Sa, p. 5. Alfred Breau, Appendix 7-Sa, p. 2, stated that he saw a fire during the altercation on Friday May 2. However, his statement is not clear and he appears to have got events mixed up on a number of occasions.

[99] Monique Ferron, Appendix 18-Sa, p. 9.

A few of the people at the meeting decided to stay in the school while the others went out to demonstrate. These included Monique Ferron, the resigning Chair of the Save-Our-School Committee, and Marcelle Lanteigne, the school principal; the principal was accompanied by a young girl whom she was looking after and who happened to suffer from agoraphobia. At one point, Ms. Ferron and Ms. Lanteigne went out with a few other young people who had stayed at the school to watch the demonstrators march. The demonstrators began to walk along the road toward the west, as planned, quietly distancing themselves from the school. A banner that had been used in the earlier demonstrations was nearby, and they took it with them. The protesters marched peacefully along Highway 160, shouting, "We're not giving up!"

The group consisted primarily of people from Saint-Sauveur,[100] including women and children. According to several witnesses, no one had any weapons[101] and none of the demonstrators had their faces covered.[102] The decision for a protest march was made at the meeting. Some people said that the highway was "completely blocked"[103] whereas others maintained that only one of the two lanes was blocked.[104] Likewise, there were marked differences in the their statements, which make it difficult to estimate the exact number of demonstrators on the highway; the numbers varied from 100 to 300 or even more. However, although this may not be definitive, it would be fair to say that it was a large number of people, perhaps 200.

The demonstrators then began their march west along Highway 160. The plan was to leave the school, march to the Jovi store and then return to the starting point.[105] Generally speaking, the demonstrators were on only one side of the highway.[106] However, because of the size of the group, it is no doubt possible that they spilled over onto the other side of the centre line. As one witness said, "It's difficult to keep a group of people on the same side of the road all the time."[107] For all practical purposes then, the highway was closed to traffic during the protest march. The RCMP had erected roadblocks at both ends of the village to control highway traffic and protect the demonstrators.

---

[100] Murielle Gionet, Appendix 11-Sa, p. 9.

[101] Léon Hébert, Appendix 5-Sa, p. 4.

[102] Jacinthe Hébert, Appendix 3-Sa, p. 15, Léon Hébert, Appendix 5-Sa, p. 5, Médard Chiasson, Appendix 10-Sa, p. 15, and Murielle Gionet, Appendix 11-Sa, p. 9.

[103] Irène Mazerolle, Appendix 6-Sa, p. 7.

[104] Hermel Mazerolle, Appendix 16-Sa, p. 4, Conrad Boudreau, Appendix 38-Sa, p. 4 and Sylvie Duguay, Appendix 48-Sa, p. 5.

[105] Hermel Mazerolle, Appendix 16-Sa, pp. 4-5.

[106] Hermel Mazerolle, Appendix 16-Sa, pp. 4-5.

[107] Hermel Mazerolle, Appendix 16-Sa, p. 6.

After reaching their destination, the protesters began the return trip. That is when the RCMP helicopter that had flown over the municipality late that afternoon returned.[108] In the meantime, Thérèse Albert had stayed at the school, waiting for the police officer to respond to her message requesting a meeting. While she was at the school entrance speaking with Monique Ferron, Constable Claude Robichaud arrived at the school accompanied by Constable John Godfrey Martin. They had left their position at the roadblock near the Shell service station after receiving the message that the Chair of the Save-Our-School Committee wanted to speak to a police officer. When they arrived, Thérèse Albert went out to tell them what the group planned to do;[109] according to Ms. Albert, all Constable Robichaud said in response was that it was too late, and that the special unit was already on the way.[110] Ms. Albert then asked the police officer to drive her to the group of demonstrators to tell them. She then got into the patrol car beside Constable Robichaud to go to the demonstrators. Constable Martin sat in the back seat.

The group had already started the return trip and had reached the church (not far from the school) when the patrol car reached the group. Constable Robichaud dropped Thérèse Albert off from the patrol car, and then drove off toward the school again.[111] According to him, the people were coming toward him in a very threatening manner. Thérèse Albert immediately informed the demonstrators that the RCMP Special Unit was on the site and ready to act.[112] This caused some distress, and tension mounted among the demonstrators.[113]

D) Police Intervention

The RCMP management was aware of the planned May 2, 1997 meeting between the Minister of Education and the Save-Our-School Committee. During the week prior to the meeting, the RCMP had also learned that the community of Saint-Sauveur was planning a meeting to discuss the Minister's decision. The RCMP were worried about the meeting and afraid there would be a demonstration by members of the community. At the meeting with the Minister in Bathurst, several members of the RCMP, including Staff Sergeant Charles Castonguay, were in attendance.

The police said that communication with representatives from the Saint-Sauveur community had been difficult on May 2. The RCMP members were, in fact, not in touch with them; consequently, there was no way of knowing what the parents' intentions were. Given the circumstances, Staff Sergeant Castonguay, Inspector Tremblay, Sergeant Lajoie and Sergeant Potvin met in the afternoon to discuss the situation and prepare an action plan. It was then decided to move the special unit as close as possible to the sites so it would be ready to act if required.

---

[108] Hermel Mazerolle, Appendix 16-Sa, pp. 4-5 and Roger Hébert, Appendix 43-Sa, p. 2.
[109] Monique Ferron, Appendix 18-Sa, p. 10 and Thérèse Albert, Appendix 24-Sa, p. 49.
[110] Thérèse Albert, Appendix 24-Sa, pp. 46-53 Robichaud, p. 16.
[111] Claude Robichaud, pp. 12-3.
[112] Janique Guignard, Appendix 45-Sa, p. 2.
[113] Hermel Mazerolle, Appendix 16-Sa, p. 6.

Towards 6:00 p.m., the police force was concentrated in Allardville; there were numerous patrol cars in the schoolyard and in the church parking lot nearby.[114] Check points had also been set up on Highway 160.[115] Bernard and Fernande Gionet stated that on their way to La Découverte School in Saint-Sauveur to attend the meeting, they were stopped by several police officers at a roadblock and forced to turn around.[116] Shortly before the meeting at 4:00 p.m.[117] and up until 7:00 p.m., a helicopter was already performing reconnaissance flights above Saint-Sauveur.[118]

When Corporal Laliberté advised his superiors that it had been impossible for him to attend the parents' meeting, an order was given to locate the special unit close to Saint-Sauveur. When the members of the community were still in the school,[119] at approximately 7:25 p.m., the RCMP Special Unit was already on the way.[120] The special unit took up a position in the church parking lot in Saint-Isidore.[121] Sergeant Bernard Lajoie and Inspector Tremblay were also at Saint-Isidore at the time.[122] Corporal Laliberté, accompanied by Constable Marc Plourde, were parked in the parking lot of the fire station. From this position, Corporal Laliberté had a good view east along Highway 160.

When the parents' meeting was over, Corporal Laliberté saw people marching along Highway 160 with a large banner. The police officer communicated his observations to the leaders of the special unit stationed at Saint-Isidore. It was approximately 8:00 p.m. Sergeant Lajoie went immediately to Saint-Sauveur. When he reached the Shell service station, he met some police officers, whom he ordered to set up a roadblock.[123]

Meanwhile, the crowd continued to march toward Corporal Laliberté and Constable Plourde. Corporal Laliberté backed up his vehicle as the demonstrators advanced toward him. In doing so, he forced traffic travelling east, toward the demonstration, to go back toward Allardville. The police officer stated that he believed the protesters were going to march right up to him, but they turned back when they were close to the recreation centre.

After ordering the police at the service station to set up a roadblock, Sergeant Lajoie followed the demonstrators until they were nearly at the fire station. He looked for

---

[114] Sylvie Duguay, April 27, 1998, Appendix 48-Sa, p. 4.

[115] Jean-Yves Deroy, p. 1.

[116] Bernard/Fernande Gionet, May 14, 1998, Appendix 57-Sa, pp. 4-5 & 20.

[117] Diane Duke, May 27, 1998, Appendix 65-Sa, p. 3.

[118] Monique Ferron, April 21, 1998, Appendix 18-Sa, pp. 6-7, Rhéal Ferron, April 21, 1998, Appendix 19-Sa, p. 2 and Thérèse Albert, April 22, 1998, Appendix 24-Sa, p. 41. See also Lajoie, pp. 160-1.

[119] Martin Doiron, April 9, 1998, Appendix 2-Sa, p. 2.

[120] Martin Doiron, April 9, 1998, Appendix 2-Sa, p. 2 and Dorine Doiron, April 9, 1998, Appendix 2A-Sa, p. 2.

[121] Bernard Lajoie, Appendix P3, p. 94 and René-Pierre Tremblay, Appendix P5, pp. 32-3.

[122] Bernard Lajoie, Appendix P3, p. 94.

[123] Bernard Lajoie, p. 95 and Claude Robichaud, p. 11.

Corporal Laliberté, but could not see him anywhere. He also attempted to contact Corporal Laliberté, but was unsuccessful.[124] He watched the demonstration for a few moments. According to Sergeant Lajoie, the march appeared to be disorganized, [TRANSLATION] "Everybody was marching in all directions, they were shouting and arguing..."[125] The demonstrators entered the community centre yard to turn around. Sergeant Lajoie did the same and returned to the point where the police had the roadblock set up near the Shell service station. Inspector Tremblay and the tactical troop arrived on the site shortly thereafter.

When the crowd turned around in the community centre parking lot and started heading toward the school, Corporal Laliberté followed the demonstrators until they were near the Doiron & Fils convenience store. There he parked his car across the highway to block traffic.[126] He was joined by constables Luc Fournier and André Arseneau.[127]

At the end of the march, at approximately 9:10 p.m.,[128] after the demonstrators had learned that the RCMP Special Unit was on the road in front of the school, two police officers, Inspector Tremblay and Sergeant Lajoie, approached the demonstrators and ordered them to disperse. These police officers did not have a loudspeaker to amplify their voices. The message was therefore muffled by the general outcry. Some witnesses in fact said that the police gave up before even completing their message; the RCMP turned around and made a hand gesture to indicate that they were giving up delivering their message. At this point, a few protesters peacefully started heading home or toward the school, but most remained on the highway. The police warning had had little effect.

After this unproductive attempt to disperse the crowd, Inspector Tremblay called Staff Sergeant Castonguay, who had remained at the RCMP Detachment at Tracadie-Sheila during all of this time, to ask him for instructions. The Staff Sergeant ordered him to open the highway.[129] The videotape made by the identification unit concerning the events in Saint-Sauveur is time-coded, and the time and date are shown. The videotape thus shows that ten minutes after the message was given to the crowd, at approximately 9:21 p.m., the special unit was already on the highway, moving toward the demonstrators.

(i) Special Unit Formation

When it was in the parking lot of the church in Saint-Isidore, the special unit received an order to go to the site of the demonstration in Saint-Sauveur. The special unit bus and other vehicles mustered near the Shell service station behind the roadblock,[130] and the members of the special unit waited for further instructions. Inspector Tremblay ordered Sergeant Potvin to remove the roadblock and Sergeant Potvin in turn ordered the troop to deploy.

---

[124] Bernard Lajoie, p. 95.
[125] Bernard Lajoie, p. 95.
[126] Marc Chiasson, Appendix 30-Sa, pp. 12-3 & 20.
[127] Luc Fournier, p. 4.
[128] René-Pierre Tremblay, p. 39.
[129] Charles Castonguay, Appendix P2, p. 57.
[130] Bernard Lajoie, Appendix P3, p. 110.

The police officers got out of the bus where they could not be seen by the protesters;[131] they were already wearing gas masks and helmets. This was at approximately 9:20 p.m. The police officers got into position and approached the demonstrators in two columns. They advanced in step, hitting their shields with their batons. The troop stood on the highway almost halfway between the La Découverte School entrance and the Shell service station. Members of the arrest unit, the Emergency Response Team and the Police Service Dog teams had gone to the site in their own vehicles.

It had been agreed that the officer in command of the troop would be Sergeant Michel Potvin, although normally the officer in charge would have been Sergeant Lajoie. Inspector Tremblay and Sergeant Lajoie had a limited role at this point in the course of events because all they had done was order the crowd to disperse to clear the highway. Thus, when the special unit took up its position on the highway, it was under the command of Sergeant Potvin.

After the special unit had advanced in two columns to the mid-point between the schoolyard and the Shell service station, Sergeant Potvin, the troop commander, ordered members to line up in single rank file as described in Chapter VI. The various units therefore took up their positions on the highway in the following order: at the very front, the tactical troop, followed by the tear gas unit, the Emergency Response Team and, lastly, the arrest unit and the Police Service Dog teams. The identification unit truck was at the rear of the platoon. After waiting a few moments, Inspector Tremblay once again received an order from Staff Sergeant Castonguay to clear the highway.[132] This order was passed on to Sergeant Potvin so that the special unit could intervene.

According to Sergeant Potvin's report concerning the events in question, the special unit consisted of 40 members of the Tactical Team, 4 dog handlers, 10 members of the arrest unit, 10 members of the Emergency Response Team and 2 members of the identification unit.

As mentioned before, the RCMP helicopter was flying over the crowd well before the special unit appeared. Shortly after the demonstrators had begun their solidarity march, the RCMP helicopter, piloted by Staff Sergeant Seiffert, accompanied by Sergeant Charles Lemay, resumed flying over the crowd. With a powerful light, the helicopter provided the lighting required for the identification unit. During the Saint-Sauveur events, the identification unit had been divided, with Corporal Lamanque in the cage on top of the van and Corporal St-Amand on the ground on the left flank of the tactical troop. As a result, two video recordings of the events were made.

---

[131] Bernard Lajoie, Appendix P3, p. 110.
[132] Charles Castonguay, Appendix P2, p. 58.

(ii) Intelligence

According to members of the RCMP involved in the events, the social climate in the Acadian Peninsula was very tense and even explosive at the time. There had been frequent demonstrations in the region and controversial issues were affecting almost every aspect of social life. These included the crisis regarding crab fishing in the spring of 1996, which had placed the RCMP on alert. The protests over unemployment insurance reform, the use of the Tracadie-Sheila firing range, the closing of the Tracadie hospital and the abolition of some hospital services had also required the involvement of the RCMP.

At the height of the events, some parents let their emotions get the better of them and were a little extreme in some of the things they said. For example, on April 2, 1997, Corporal Laliberté heard about some people saying that the demonstrators would not give the school back to the government, and that if necessary, it would be destroyed in some way.[133] On April 17, the parents indicated to Corporal Laliberté that they were prepared to take to the streets to do battle and take whatever action was necessary to keep their school.[134] On the other hand, there are no documented reports linking such threats to any violent action of any kind.

My findings of the investigation reveal that during the events of May 2, 1997, the RCMP was in possession of no information to the effect that the situation was potentially violent. There is no evidence that there were weapons or even any agitators. Several members of the community said it was difficult for them to believe there had been intent to confront the police because there were children at the site of the demonstration. The demonstration, a march on Highway 160, was planned at the meeting of parents held in the school in the early evening of May 2, 1997.

E) Confrontation with Demonstrators

Many demonstrators stated that when the special unit appeared, the crowd felt that they were being provoked.[135] In addition to the helicopter flying overhead, the demonstrators found themselves face to face with a determined police force. The demonstrators stopped in front of the school and waited. Sergeant Lajoie and Inspector Tremblay had ordered them to disperse, but the general outcry by the protesters made it impossible for them to hear the police warning. The special unit began its intervention and moved toward the demonstrators in two columns. In step and in unison, the members of the RCMP approached the demonstrators hitting their batons on their shields; the purpose of this was to scare the crowd so that it could be more easily dispersed. Indeed, according to a number of complainants, the more the special unit advanced, the more agitated the crowd became.[136] Police dogs were barking continuously. This had an additional impact on the situation.

---

[133] Charles Castonguay, Appendix P2, p. 13.
[134] Charles Castonguay, Appendix P2, p. 20.
[135] Léon Hébert, Appendix 5-Sa, p. 4 and Conrad Boudreau, Appendix 38-Sa, pp. 4-5.
[136] Léon Hébert, Appendix 5-Sa, p. 4.

This advance by the Special Unit had the desired effect. The videotapes clearly show that as the special unit approached, the vast majority of the people left the highway and returned to the schoolyard. Only about 15 demonstrators remained on the highway to face the police. A few protesters called on their colleagues not to back off, because it would give the impression that they were "giving up."[137] The special unit stopped a few metres from the demonstrators and formed up in single rank file while the demonstrators watched them attentively. Some demonstrators indicated that they were intimidated by the special unit's presence.

The demonstrators and the special unit remained face to face without moving for approximately one minute. The most recalcitrant members of the crowd, mostly men, made all sorts of gestures to indicate their dissatisfaction to the police. Some hurled insults at the police. During this very long minute of waiting, as the special unit remained motionless, a number of people returned to the highway. Between the time the special unit stopped marching in single file and the beginning of the confrontation, the number of demonstrators on the highway increased from 15 to approximately 30 people.

Witnesses gave conflicting versions with respect to which party started hostilities by throwing the first projectiles. According to most of the demonstrators, they did not throw anything at the police officers prior to the police firing tear gas at them.[138] The police, on the other hand, maintained that the demonstrators threw projectiles before they fired the tear gas cartridges.

A careful review of the videotapes made by the identification unit does not clearly reveal which of the parties was the first to launch projectiles. Corporal Lamanque's videotapes appear to suggest that stones were thrown before tear gas cartridges were fired, but his video camera was aimed directly at the crowd, thereby restricting the field of vision. Corporal St-Amand's field of vision was much broader, and it would appear to indicate that tear gas cartridges were fired before any stones were thrown. The videos made by journalists led to the same conclusions. Careful study of Corporal Lamanque's videotape makes it possible to distinctly hear the noise of projectiles being fired before there is any crowd reaction. Although the parties would very much like a clear decision in the matter, the Commission has been unable to reach any conclusion based on the information collected during this investigation. For the purposes of this report, it should be emphasized that, according to the statements given by the complainants, the demonstrators felt provoked by the presence of the special unit.

The confrontation began at approximately 9:25 p.m. and it was dark. It was all over by approximately 9:35 p.m. When the order was given to fire the first cartridges toward the demonstrators, the tear gas launchers had to get around the members in the front ranks by moving to the side to go to the front of the formation. Indeed, as the troop functions as a unit, it was not allowed to break formation. The technique used by the gas launchers is usually to put one knee on the ground, take aim and fire in the direction of the crowd. However, in Saint-Sauveur, only two gas launchers used guns; the other two simply threw the cartridges from a standing position.

---

[137] Léon Hébert, Appendix 5-Sa, p. 4.

[138] Léon Hébert, Appendix 5-Sa, p. 5 and Paul Rousselle, Appendix 39-Sa, p. 10.

The initial cartridges that were fired landed in front of the demonstrators. The smoke drifted toward the special unit[139] which had resumed its march. A relatively strong south-easterly wind was blowing.[140] The initial cartridges did not contain any gas, only smoke[141] as a means of checking wind direction and crowd response.

A few demonstrators reacted quickly to the first cartridges and threw rocks at the police. Some left the paved part of the highway and continued to throw things at the police from the shoulder of the highway. One demonstrator, who was easily recognizable because of the coat he was wearing, took a rock and threw it hard at the special unit: a fraction of a second later, Constable Touchette was hit in the arm. He was a member of the arrest unit and did not have a shield to protect himself. He was not seriously injured, but says that he felt pain for several days.

When Sergeant Potvin saw that the demonstrators were staying on the highway, a new order was given to the gas launchers and they repeated the procedure, advancing, taking aim again and firing a second round of projectiles, which this time were filled with tear gas and reached their target.[142] The crowd began to disperse[143] in all directions, but most of the demonstrators went toward the school. On the right-hand side of the school entrance, logs had been arranged in the shape of a wigwam with a sign on it. When the special unit approached the schoolyard, the demonstrators took some of the logs and threw them on the highway to block the police. A third round of gas cartridges was launched.

When the police fired cartridges for the third time, they aimed them toward the north along the highway toward the school property. When Annik Mallet left the highway and started walking toward the school with Sylvie and Yves Noël and another friend, Sonia Hébert, she turned her head to the right to speak to her friend and was hit on the left cheek by a tear gas cartridge.[144] The cartridge went off and Annik Mallet was directly exposed to gas on her face, hair and clothing. Friends took her inside the school, where the principal looked after her. Annik Mallet was complaining that something was burning her face and she was taken to the washroom to clean up.

---

[139] Conrad Boudreau, Appendix 38-Sa, p. 8 and Paul Rousselle, Appendix 39-Sa, pp. 7-8.

[140] Bernard Lajoie, Appendix P3, p. 118.

[141] Charles Castonguay, Appendix P2, p. 71 and Bernard Lajoie, Appendix P3, p. 119.

[142] Conrad Boudreau, Appendix 38-Sa, p. 8, Paul Rousselle, Appendix 39-Sa, p. 8 and Gustave Noël Jr., Appendix 41-Sa, p. 10.

[143] Bernard Lajoie, Appendix P3, p. 120.

[144] Annik Mallet, Appendix 47-Sa, pp. 3-7.

The whole time this was going on, the helicopter was flying over the demonstrators and shining its powerful light on them.[145] In addition to the light from the helicopter, journalists were also there with their cameras and light sources. The overall impression was that of light beams criss-crossing in several directions at the same time, alternately lighting the highway and the demonstrators. Puffs of grey smoke forced the demonstrators to disperse.

The most recalcitrant of the demonstrators stayed on the highway to face the police while the others ran in increasing numbers toward the school. The access road to the school is relatively long; entering from Highway 160, the road takes a turn to the left. Many protesters, believing that the role of the special unit was merely to clear the highway, assembled in the schoolyard[146] among the vehicles parked along the turn. After the police had succeeded in dispersing the demonstrators on the highway, they began to position themselves at the schoolyard entrance. The situation remained relatively calm for just less than five minutes. When the demonstrators realized that the police were no longer advancing, they began to band together just before the turn, closer to the schoolyard entrance. The demonstrators gathered stones and threw them again at the police. The police renewed their intervention and the gas launchers fired a fourth round of cartridges.[147] People ran away and took refuge in the school. There were a few people already in the school, because they had attended the meeting earlier and remained there rather than participate in the demonstration, and other people joined them when the protest march was over and the confrontation with the police began. As the crowd was forced back into the school, the special unit moved into the schoolyard, and advanced right up to the doors of the school.[148] The police had completely surrounded the building and all access points were blocked.[149]

According to some witnesses, there was a degree of panic among the people in the school. People who believed they were safe began to feel unsafe. Crying and shouting increased anxiety to the point where the tension became palpable. The principal, Marcelle Lanteigne, was told, while she was attending to Annik Mallet, that a young woman had just lost consciousness. Ms. Lanteigne offered advice but, in the meantime, another young woman suffering from agoraphobia, became increasingly agitated and showed signs of hysteria. Although the people had believed that the RCMP Special Unit was there only to clear the highway, they could now see that the unit was at the doors of the school.[150] Having sought refuge in the school, many people began to feel trapped.[151]

---

[145] Albina Duguay, Appendix 8-Sa, p. 2, Jim Breau, Appendix 15-Sa, p. 4. Hermel Mazerolle, Appendix 16-Sa, p. 18, Thérèse Albert, Appendix 24-Sa, p. 64 and Linda Richard Appendix 25-Sa, p. 3.

[146] Conrad Boudreau, Appendix 38-Sa, p. 9.

[147] Silvère Duguay, Appendix 29-Sa, p. 4 and Conrad Boudreau, Appendix 38-Sa, p. 9 and Bernard Lajoie, p. 120.

[148] Hermel Mazerolle, Appendix 16-Sa, p. 19.

[149] Monique Ferron, Appendix 18-Sa, p. 19.

[150] Rhéal Ferron, Appendix 19-Sa, p. 14.

[151] Gustave Noël, Appendix 41-Sa, p. 11.

While the troop of police officers was advancing in the parking lot toward the school, Constables Lyne Couture and Raymond Danis stated that they saw a white pick-up truck with the engine running. The police officers took the precaution of informing their fellow members that the vehicle was there. According to Constables Couture and Danis, a dog handler then moved quickly toward the pick-up truck.[152] In a Continuation Report dated May 7, 1997, Constable Danis identified the dog handler as Corporal Pierre Gardner, even though in his statement, Constable Danis said that he could not identify the handler in question. The Prisoner Report for Bruno Comeau also names Corporal Pierre Gardner as having participated in Mr. Comeau's arrest.

Bruno Comeau stated that when the confrontation between the demonstrators and the police began, he took refuge in his vehicle, a white Ford Ranger. His truck was parked on the right-hand side of the school entrance, approximately halfway between Highway 160 and the school. He said that he started his vehicle and waited patiently for the events to end. That's where he was when the dog handler suddenly opened the door of his truck.

Bruno Comeau stated that the police officer asked him in English to turn off his engine. Bruno Comeau said that he immediately followed the dog handler's orders. According to Mr. Comeau, the dog handler then grabbed him by the throat to force him outside the vehicle and that in the process the police dog jumped up on him, but did not bite him. Two other police officers immediately arrived on the site. Bruno Comeau said that he was "placed up against the van", handcuffed and escorted to a patrol car which drove him to the RCMP detachment in Tracadie-Sheila.[153] Still in the Continuation Report of May 7, 1997, Constable Danis identified the two other police officers as Constable Luc Touchette and Inspector René-Pierre Tremblay. The same information is found in the Prisoner Report for Bruno Comeau. The patrol car was driven by Constable Denis Paradis.

In the meantime, the demonstrators stayed in the school observing what the RCMP were doing. When things calmed down outside the school, a woman came to the door of the school at approximately 9:43 p.m. with a white handkerchief. Corporal Laliberté approached the main door with Sergeant Bernard Lajoie. When they were near the school, Thérèse Albert, the new Chair of the Save-Our-School Committee and Monique Ferron, the outgoing Chair, went out of the school to talk with the police. The police talked with the committee representatives for a few moments and each party returned to its initial position following the discussion. The police suggested that no charges would be laid against the people who took refuge in the school on condition that they leave the premises peacefully and that the demonstration cease immediately.[154] The people inside the school agreed to the conditions.

---

[152] Lyne Couture, Appendix P13, p. 23 and Raymond Danis, Appendix P11, pp. 9-13.

[153] Bruno Comeau, Appendix 23-Sa, pp. 7-9.

[154] Thérèse Albert, Appendix 24-Sa, p. 66 and Charles Castonguay, Appendix P2, p. 75 and Bernard Lajoie, Appendix P3, p. 123.

Fifteen minutes went by before the demonstrators who had taken refuge in the school decided to leave. The police were lined up alongside the school. Their patrol cars occupied much of the schoolyard. One by one, the demonstrators all left the school under the watchful eyes of the police. A few placed their hands on the backs of their necks[155] and others sang "Ce n'est qu'un aurevoir."[156] The demonstrators got into their cars and left the school grounds honking their horns.

After the demonstrators had left the school, Marcelle Lanteigne made the rounds of the school and left as well. She got behind the wheel of her car, but had to wait approximately 30 minutes before she could leave the school site. The police officers were busy dismantling shelters that people had made for the demonstration as well as picking up the wood that was being used for the fires. During this unavoidable wait, the principal spent her time counting the number of patrol cars, which turned out to be approximately 25, not including buses, trucks and vans.[157]

A half dozen RCMP patrol cars remained in Saint-Sauveur much of the night to maintain order after the demonstrators had left and the special unit had withdrawn.[158] Included among the police officers who patrolled were Constables Fournier and Plourde, Constables Sophie Déry and Daniel Perry, Constables Denis Paradis and Richard Ross, Constables Bruno Saindon and Gaétan Messier, Constable Arseneau, and lastly, Corporal Jacquard. That is how May 2 ended.

F) The Arrests

During the evening of May 2, and after the demonstration, four people were arrested and spent the night at the Tracadie-Sheila RCMP Detachment. These people were Bruno Comeau, , Bruno Chiasson and Éric Boudreau.

(i) Bruno Comeau

Like many residents of Saint-Sauveur, Bruno Comeau went to the 7:00 p.m. meeting held at La Découverte School. Like most of the people at the meeting, he also went onto the highway to show his discontent about the Minister of Education's decision. Consequently, when he turned back toward the school after the protest march, he too encountered the special unit parked at the Shell service station.

When the confrontation began, Bruno Comeau took refuge in his vehicle, a white Ford Ranger, which was parked in the school parking lot approximately halfway between Highway 160 and the school. Partly to warm up and partly to prepare to leave, he started the engine of his truck and waited patiently, an unwilling spectator of the events around him. After the tactical troop had moved the demonstrators off the highway, it occupied the school grounds, forcing the demonstrators to take refuge in the school. When crossing the schoolyard, Constable Lyne Couture saw someone in a vehicle and cautioned the rest of the troop.[159] One of the members of the Police Service Dog teams then went to the vehicle and opened the driver's door to make the driver get out. In a Continuation Report dated May 7, 1997, Constable Danis stated that [TRANSLATION] "dog handler Gardner pulled him out of his vehicle – turned him over to Constable L. Touchette, Inspector R.P. Tremblay and he was taken away by Constable D. Paradis." The report on prisoner Bruno Comeau also indicates that the arrest for mischief was made at 9:40 p.m. and identifies the same three police officers.

---

[155] Thérèse Albert, Appendix 24-Sa, p. 67.
[156] Sylvie Duguay, Appendix 48-Sa, p. 13 and Rainald Duguay, Appendix 49-Sa, p. 16.
[157] Marcelle Lanteigne, February 22, 1998, letter to the Board, p. 3.
[158] Denis Paradis, p. 17.

Bruno Comeau stated that he had just turned off the engine when he was forced from his vehicle by a dog handler. The dog then jumped up on Bruno Comeau. Mr. Comeau said that the dog did not bite him. Two other officers, one of whom was likely Constable Luc Touchette, quickly joined their fellow officer and Bruno Comeau was pushed up against a truck, handcuffed and driven in Constable Denis Paradis' patrol car, which eventually took him to the Tracadie-Sheila RCMP Detachment. Everything happened so quickly that when Pascale Comeau, Mr. Comeau's wife, finally reached the site of the incident, she said that the driver's side door of her husband's vehicle was still wide open, but her husband was no longer there.[160] The prisoner logbook at the Tracadie-Sheila RCMP Detachment indicates that Bruno Comeau was incarcerated on May 2 at 10:20 p.m. and only released the next day at 1:06 p.m. The information indicates that he was locked up by Constable Denis Paradis and placed in the custody of Bertrand Losier, the guard, at 10:30 p.m., and later guard Denis LaPlante, who took over at 4:00 a.m. on the morning of May 3. Mr. Comeau was eventually released by Constable Raymond Danis without any charges being laid.

According to RCMP policy, police officers who make arrests during such events must be photographed or filmed with the people they arrest (see p. 95), which was not done during the events in Saint-Sauveur. In fact, a screening of the videotape made by Corporal St-Amand showed a police officer running by and saying in a voice muffled by his gas mask, "I've just arrested Bruno Comeau!" Corporal St-Amand then leaves, running with the camera without really aiming the lens anywhere but at the ground, but it is nevertheless possible to see in the camera's field of vision a white Ford Ranger with the driver's door open; however, no police officer was filmed in the company of the person who was arrested. The only photograph of Bruno Comeau on file is one of Mr. Comeau in the company of Bruno Chiasson and Constable Denis Paradis when they were taken to the Tracadie-Sheila RCMP Detachment.[161] The Prisoner Report does not indicate whether the detainee's fingerprints and photograph were taken.

---

[159] Lyne Couture, p. 23.

[160] Pascale Comeau, Appendix 22-Sa, p. 2.

[161] Bruno Comeau, Appendix 22-Sa, pp. 12-3.

(ii) and Bruno Chiasson

and Bruno Chiasson, aged and 20 respectively, were demonstrating on Highway 160 when the tactical troop intervened. Rather than take refuge in the school with the other demonstrators, the two young men walked to home by crossing the field. Bruno Chiasson's father's car was left parked on the school grounds. According to and Bruno Chiasson, they returned to the school to retrieve the car, when they met a police officer, to whom they asked permission to take the automobile. Three police officers then arrived, including Inspector Tremblay, who said that he had seen and Bruno Chiasson earlier in the evening and arrested them for mischief, as entered in the Prisoner Report.[162] According to Bruno Chiasson, and as a result was not handcuffed.[163] Mr. Chiasson said that the handcuffs used on him were metal, not plastic.[164] Both were escorted to Constable Paradis' patrol car.[165] Bruno Comeau was already in this patrol car.[166] The Prisoner Report for Bruno Chiasson indicates that he was arrested by Inspector Tremblay at approximately 9:45 p.m. However, the Prisoner Report for says nothing about the arresting officer.

The logbook of prisoners at the Tracadie-Sheila RCMP Detachment indicates that Bruno Chiasson was locked up at 10:30 p.m. on May 2 by Constable D. Maillet, and that he was released at 1:00 p.m. the next day by Constable Raymond Danis. was locked up at 10:30 p.m. on May 2 by Constable Gaétan Messier, and only released the next day at 12:10 p.m. by Constable Raymond Danis. Bruno Chiasson and were also in the photograph taken at the detachment in the company of Bruno Comeau and Constable Denis Paradis, who drove them there. The two detainees were placed in the custody of guard Bertrand Losier on May 2 at 10:30 p.m. and in the custody of Louis LaPlante who took over the shift at 4:00 a.m. on the morning of May 3. The spaces on the Prisoner Report forms indicating whether fingerprints and a photograph were taken were left blank.

(iii) Éric Boudreau

While several police officers were busy removing items used in the earlier demonstrations that had been left along the side of the road, Éric Boudreau approached and attempted to take some of these items; he was intoxicated. The police notified him that these things were seized property, but Éric Boudreau persisted. He was arrested for being intoxicated in a public place. The arrest was made by Inspector Tremblay. Éric Boudreau was placed in the patrol car driven by Constable Jean-Yves Deroy, who took him to the Tracadie-Sheila RCMP Detachment.

---

[162] René-Pierre Tremblay, p. 53.

[163] Bruno Chiasson, Appendix 72-Sa, p. 19.

[164] Bruno Chiasson, Appendix 72-Sa, p. 18.

[165] , Appendix 20-Sa, p. 1.

[166] , Appendix 20-Sa, p. 1 and Bruno Chiasson, Appendix 72-Sa, p. 12. See also Bruno Comeau, Appendix 23-Sa, p. 10.

The prisoner logbook for the Tracadie-Sheila RCMP Detachment indicates that Éric Boudreau entered at 11:00 p.m. on May 2 with Constable Denis Paradis. The Prisoner Report indicates that he was arrested for being intoxicated in a public place. However, the report is incomplete and fails to identify the police officers who participated in his arrest. All that is written is that the detainee was advised of his right to legal counsel. He was placed in the custody of guard Bertrand Losier when he entered, and in the custody of Louis LaPlante, who took over the shift at 4:00 a.m. on May 3. He was eventually released by Corporal Denis Laliberté at 8:45 a.m. on May 3.

3. Anonymity of Police Officers

Of all the police officers involved in the arrests in Saint-Sauveur on the evening of May 2, 1997, only Constables Deroy, Paradis and Messier submitted specific reports of their activities. Inspector Tremblay made a report afterwards, which he sent to the Officer in Charge of Criminal Operations, but did not describe in any way his involvement in the arrests. The dog handler involved in the arrest of Bruno Comeau did not prepare a report, even though Sergeant Lajoie asked several times after these events for every officer involved in arrests to submit a report on the relevant details.

Although a Prisoner Report was prepared for each of the persons arrested during the demonstration of May 2 in Saint-Sauveur, the details entered are generally incomplete.

The evidence mentions a policy in the *Tactical Operations Manual* to the effect that police officers making arrests are to have a photograph or videotape taken in the presence of their prisoner. This procedure was completely ignored. Even when the police officer who arrested Bruno Comeau announced to the member of the identification unit that he had just made an arrest, the camera lens remained aimed at the ground without any attempt to show the police officer. Furthermore, no photographs or video images were taken of Bruno Chiasson or Éric Boudreau in the company of one or more police officers who arrested them. The only photograph taken during the events in Saint-Sauveur is the photograph of Bruno Comeau, and Bruno Chiasson in the company of Constable Denis Paradis, who was not the arresting officer, but rather the police officer who drove them to the Tracadie-Sheila RCMP Detachment.

Lastly, even though it is a common practice for police officers to make notes when they are involved in arrests, only a few police officers took the trouble to make any notes during the Saint-Sauveur events. When the police officers were interviewed by the Commission's investigators, very few were able to give any detailed statement, making it impossible to identify any other police officers who may have been involved in the arrest of the four individuals mentioned above.

VII. EVENTS OF MAY 3 AND 4

1. Saint-Sauveur, May 3, 1997

After the demonstrators returned home, the community returned to its normally peaceful state; by three o'clock in the morning on May 3, nothing more was disturbing the peace and quiet of Saint-Sauveur.[167]

On the morning of May 3, the news spread quickly. The residents of Saint-Sauveur learned that people had been arrested as a result of the confrontation the evening before. The members of the Save-Our-School Committee spoke with one another and an emergency meeting was convened.

At approximately 10:30 a.m., some of the members of the community gathered at the community centre to discuss things and take stock of the events. The news of the arrests spread quickly because an agreement had been reached the evening before between the police and demonstrators that no charges would be laid against the people who had taken refuge in the school.

The residents of the region were informed that a march would be held on May 3 in Bathurst to protest Unemployment Insurance reform.[168] At first, the organizers of the march expected 5,000 demonstrators. The people of Saint-Sauveur had not shown any intention of taking part. However, when the arrests were announced, the people at the emergency meeting agreed that they would go on the march; they did not want to demonstrate against Unemployment Insurance reform, but rather protest against the behaviour of the RCMP. Also discussed at the meeting was the possibility of hiring a lawyer to defend the people who had been arrested.

A) Unemployment Insurance Reform Protest March

As it had been agreed at the morning meeting to take part in the protest march against Unemployment Insurance reform, quite a few residents of Saint-Sauveur participated in the march, including Thérèse Albert, Conrad Boudreau and Gloria Boudreau, who went there in the same car. The march took place along the streets of Bathurst. Although the protest was very noisy, everything went fairly peacefully. A platform had been erected in a parking lot and several speeches were given. Towards the end of the demonstration, after many of the demonstrators had left, Thérèse Albert, Conrad Boudreau and another of their friends got up on the platform to explain the events that occurred the evening before in Saint-Sauveur; they invited everyone to participate in demonstrations in Saint-Sauveur. After making this request, they returned to the crowd and headed home shortly thereafter.

---

[167] Bernise Roussel, p. 5.

[168] See also Gérarda Morais-Thériault, Appendix 27-Sa, p. 3 and Gilles Halley, Appendix 51-Sa, p. 2.

B) March in Saint-Sauveur

When the demonstrators arrived in Saint-Sauveur, the community seemed relatively peaceful. They slowed down and honked to attract the attention of the residents. They wanted to gather people together and indeed a number of people got into their cars to follow them. About 50 cars gathered on the school grounds. At this impromptu meeting, participants discussed the various ways they could apply pressure. They decided to organize a small procession in the community.

Rather than march, the demonstrators got into their cars and formed a motorcade that drove along Highway 160 honking their horns. The motorcade drove from the school to a location known locally as the "Butte d'or," and then returned to the school. At 2:20 p.m., Constable Robichaud, who was in Saint-Sauveur, informed Corporal Richard Somers, who was at the Tracadie-Sheila Detachment, that approximately 20 people were driving up and down the highway in the parish.[169] Several strangers joined the people gathered in the schoolyard to obtain information from them about what was happening.[170] One thing that was discussed was the possibility of going to a Liberal party meeting in Beresford that was to be attended by federal Minister Doug Young; some suggested going to the meeting to once again condemn the treatment received by the community of Saint-Sauveur.[171] People did not stay long to discuss things in the schoolyard because several RCMP patrol cars soon arrived and people got back into their cars and left.[172]

C) Demonstration in Front of the Doiron & Fils General Store

Following the emergency meeting held on the morning of May 3, while some residents of Saint-Sauveur went along the highway toward Bathurst, some remained in the town and demonstrated in their own way. Included among these was the Gustave Noël Jr. family. The whole family got onto the back porch and began making placards. The messages on the placards unequivocally stated their views of the provincial government. As soon as a placard was finished, it was installed along the highway in full view of drivers. When the demonstrators returned from their trip to Bathurst and began their motorcade through the community, they noticed several of these placards, which commented both on the government and the RCMP.[173] After dispersing when the police arrived in the schoolyard, Thérèse Albert, Conrad and Gloria Boudreau decided to follow the lead of their fellow citizens and prepare placards as well.

They went to the Doiron & Fils general store, bought some cardboard and, while they were writing their message, people began to gather there. Thérèse Albert stated that while she was there, no fires had been started along the highway.[174] She left around dinner time. However, in her statement she added that when she returned to the store to do some shopping she noted that there were police officers there and that the assembled people were defying them and harassing them.[175]

---

[169] Richard Somers, p. 7.
[170] Marguerite Noël, p. 35.
[171] Marguerite Noël, p. 25.
[172] Marguerite Noël, p. 36.
[173] Marguerite Noël, p. 36.

During the evening, at approximately 8:30 p.m.,[176] the demonstrators gathered on the highway between the fire station and Doiron & Fils general store and lit a fire.[177] Approximately 30[178] to 50[179] demonstrators were there and some had their faces covered.[180] Several of the demonstrators did not live in the community.[181] Everything went relatively smoothly. Diane Haché stated that, during the evening, she had to go through the yard of the general store, but the demonstrators did not block her way.[182]

One resident stated that when [redacted] was on the site at approximately [redacted] on the evening of May 3, a stranger showed [redacted] a grenade that he had in his coat pocket. [redacted]

After the fire was lit, Jean-Guy Sonier, the Saint-Sauveur fire chief, contacted the RCMP to come and clear the road so that they could put the fire out. At approximately 8:30 p.m., only one police officer came to the site and he was quickly chased away by the demonstrators.[183]

The police were very much a presence throughout the day. They patrolled the area, but the people were hostile toward them. The police assigned to patrol the road included Constables Lyne Couture,[184] Scott Myles, Paul Ouellette,[185] Claude Robichaud, Richard Ross and Marco Vachon.[186] The police got the message that they were not welcome. The police officers decided to set up roadblocks at each end of the community to warn drivers and limit access to the demonstration site. The roadblock on the highway leading to Allardville[187] consisted of three police cars, and approximately the same number of patrol cars blocked the highway toward Saint-Isidore. A few police officers nevertheless remained at the site of the demonstration to monitor it to a degree, but they kept a respectable distance away.

---

[174] Thérèse Albert, Appendix 24-Sa, p. 75.

[175] Thérèse Albert, Appendix 24-Sa, pp. 76-7.

[176] Gérald Richard, Appendix 17-Sa, p. 5, stated that his brother-in-law visited him at approximately 8:00 p.m. and that there was no demonstration at that time. Gérarda Morais-Thériault, Appendix 27-Sa, pp. 4-5, stated that when she came out of the church after mass, she stayed there for some time talking and that people afterwards began to place debris on the road to make a fire. When she left, she drove around the debris, which had not yet been lit. Marc Chiasson, Appendix 30-Sa, p. 28.

[177] Diane Haché, Appendix 1-Sa, p. 3, Léon Hébert, Appendix 5-Sa, p. 12 and Pascal Gionet, Appendix 13-Sa, p. 21.

[178] Pascal Gionet, Appendix 13-Sa, p. 22, estimates the number at between 20 and 30. See also Linda Richard, Appendix 25-Sa, p. 13.

[179] Diane Haché, Appendix 1-Sa, p. 7, estimates the number at 50 or more.

[180] Léon Hébert, Appendix 5-Sa, pp. 7 & 13, Huguette Noël, Appendix 40-Sa, p. 21 and Laurier Duguay, Appendix 56-Sa, p. 8.

[181] Léon Hébert, Appendix 5-Sa, p. 13, Avila Duguay, Appendix 9-Sa, p. 3, Pascal Gionet, Appendix 13-Sa, p. 22, Renée Gionet, Appendix 14-Sa, p. 15 and Hermel Mazerolle, Appendix 16-Sa, pp. 47-8.

[182] Diane Haché, Appendix 1-Sa, pp. 3-4.

[183] Pascal Gionet, Appendix 13-Sa, pp. 25-6.

[184] Lyne Couture, pp. 32-3.

[185] Paul Ouellette, p. 10.

[186] Marco Vachon, p. 4.

It began to rain during the evening and the crowd gradually dispersed. Towards two o'clock in the morning, it was raining hard[188] and the demonstrators had all left the highway. The firefighters then went to put out what remained of the fire and Department of Transport representatives went to clean up the highway.[189]

Some witnesses said that other fires were started that evening. For example, a mattress had been placed around a telephone pole near La Découverte School, set afire, and left unsupervised. A tire was also placed in the middle of the road and set afire as well. These events were isolated and there were no repercussions.

D) Police Intervention

Following the May 2 confrontation, a team of patrol officers was set up to maintain a constant presence in the community of Saint-Sauveur. No events were observed for the rest of that night. The special unit was disbanded for the night and the police officers returned to the motel where they were staying. A number of complainants said that the police then celebrated the apparent success of their intervention. The next day, May 3, police surveillance continued in Saint-Sauveur.

(i) Disbanding of Special Unit

On May 3, the District No 8 authorities and those responsible for the special unit met to take stock of the events. Everything appeared to have settled down and the decision was therefore made to disband the special unit and send the police officers back home. At noon on May 3, the troop was disbanded. During the course of the afternoon, members of the troop left.

(ii) Community Relations

On the evening of May 2, after people had left the school to go home, Corporal Denis Laliberté met Thérèse Albert. He agreed to speak with her again the next day to discuss the events. At approximately 10:00 a.m. on May 3, Corporal Laliberté telephoned Thérèse Albert and learned that the community had been invited to attend another meeting. The discussion was very brief, but they agreed that Corporal Laliberté, Sergeant Lajoie and Thérèse Albert would meet after the meeting in front of the church in Saint-Sauveur at approximately 11:00 or 11:30 a.m. Thérèse Albert did not show up at the meeting place; instead, approximately 20 people, mostly men, went there and warned the police to leave, because they were no longer welcome in the parish. According to Constable Claude Robichaud, he and Constable Scott Myles were in marked patrol cars while Corporal Denis Laliberté and Sergeant Lajoie were in an unmarked patrol car.[190] Constables Robichaud and Myles stated that some people began to rock their vehicle, after which the police left the site. Following this incident, relations became unfriendly between the police and the community.

---

[187] Diane Haché, Appendix 1-Sa, p. 4.
[188] Albina Duguay, Appendix 8-Sa, p. 6 and Hermel Mazerolle, Appendix 16-Sa, p. 49.
[189] Hermel Mazerolle, Appendix 16-Sa, p. 49-50.

The whole day was full of events that indicated the climate between the police and the community was very tense. In addition to the reception given to Sergeant Lajoie and Corporal Laliberté, there was the incident that involved Gustave Noël Jr.'s family and a police officer. According to Gustave and Huguette Noël, their young son (aged 10) was warned by a police officer not to wear a balaclava in his own yard; the child's father, Gustave Noël, spoke in a caustic manner to the police officer. Dorine Doiron stated that toward 2:30 p.m., when her daughter (aged 16) was walking along the highway with two friends, a police officer went to them and commented on the sweater she was wearing because the design on her sweater looked like a cannabis leaf.[191] The police officers involved in these events were not identified.

Constable Lyne Couture stated that on May 3 at approximately 5:16 p.m., she was partnered with Constable Ross to patrol the village of Saint-Sauveur. At one point, they stopped in the church parking lot and a van came and parked beside their vehicle. A man and a woman got out and ordered them to leave. The police officers exchanged a few words with these persons. Just then, a group of people arrived, walking in their direction and looking unfriendly. When they saw the group, the police officers got into their patrol car and left the site.[192]

(iii) Intelligence

From the statements gathered, the name of one particular family comes up repeatedly. The family was well known to the police. Some members of this family had acquired a reputation as troublemakers; they went to demonstrations in which they had no particular interest, got the crowd excited and then disappeared as soon as things appeared to be going sour. Several reports concerning this family reached the RCMP during the day on May 3. One of the reports indicated that a person was walking along with a paper bag allegedly containing either grenades or flares.

In notes prepared at the time, Constable Richard Somers listed items of information he obtained during the day of May 3. Constable Somers noted that at 3:50 p.m., Sergeant Blair Boucher of the Bathurst municipal police department was present at the Unemployment Insurance demonstration; that the last persons to get up on the platform were three individuals from Saint-

---

[190] Claude Robichaud, p. 24 and Scott Myles, p. 4.

[191] Dorine L. Doiron, Appendix 2A-Sa, p. 3.

[192] Couture, pp. 32-3.

Sauveur who were asking people to come and demonstrate in their community. He further related, in connection with the demonstration in Bathurst, that a person approached Sergeant Lavigne of the Bathurst municipal police department, and told him that "last evening" May 2, they had not been prepared, but that now they were. The next piece of information entered by Constable Somers was that at 6:28 p.m., the secretary of RCMP District No. 8 advised the office that a person had reported that an explosion would blow up the bridge near the church in Saint-Sauveur. Another note mentioned that at 11:00 p.m., the chief of the Saint-Sauveur volunteer firefighters had called the district office to inform the police that some demonstrators had come to see him at the fire station to warn him not to put the fire out. This report was followed by another at 11:30 p.m., in which the police received a message saying that the crowd had some flares and a cylindrical object that might be dynamite. Finally, at 20 minutes past midnight, Corporal Robichaud of the Bathurst Detachment reported that he had received a message to the effect that somewhere between the school and the church, approximately 150 feet into the woods, some stolen dynamite was hidden.

An entry in Corporal Denis Laliberté's notes concerning these events stated that during the evening of May 3, Constable Normand Hébert of the Bathurst RCMP Detachment had received information to the effect that an agitator had a paper bag containing grenades.

During these events, a person who had been and had provided a rather detailed description of the intentions of the demonstrators who had gathered in front of the Doiron & Fils general store. On the basis of the information obtained, the police had concluded that the description was accurate and that the community of Saint-Sauveur now required special attention from the RCMP District No. 8 commanding officer.

(iv) Recall of the Special Unit

Further to the events and to the intelligence received, the RCMP quickly provided reinforcements in Saint-Sauveur.[193] Several things were done, including the erection of roadblocks at both ends of the community.[194] At approximately 5:00 p.m., several police officers were present at the end of town (toward Allardville), and occasionally checked the cars that were driving through.[195] During the evening, there were at least three RCMP patrol cars at the roadblock on the highway to Allardville.[196] There was such close surveillance that Sylvère Duguay and the people accompanying him stated that at approximately 11:30 p.m., the police refused them access although they were residents of Saint-Sauveur. Around 2:00 a.m. on Sunday morning, the police were still on duty at the roadblock.[197]

---

[193] Gérarda Morais-Thériault, Appendix 27-Sa, p. 10.

[194] Diane Haché, Appendix 1-Sa, p. 2, Albina Duguay, Appendix 8-Sa, p. 5 and Silvère Duguay, Appendix 29-Sa, p. 13.

[195] Sylvie Duguay, Appendix 48-Sa, p. 15.

[196] Diane Haché, Appendix 1-Sa, p. 4.

At 9:20 p.m., Staff Sergeant Castonguay decided once again to request the assistance of the special unit and authorization was granted by Inspector René-Pierre Tremblay at 9:35 p.m. The police officers of the special unit were ordered to report the following morning to Tracadie-Sheila.

E) The Arrests

According to the statements made by Constables Jean-René Lévesque and Dennis Miller, they were on duty at one of the roadblocks on the evening of May 3. Constables Arseneau, Fournier and Messier were there as well. Around 10:15 p.m., a car arrived at the roadblock, but the driver did not stop at the check point. Constables Lévesque and Miller got into a patrol car and chased the vehicle; the vehicle came to a stop shortly thereafter.

(i) Serge Hébert

The driver of the vehicle was Serge Hébert. The police asked him for his driver's licence, but Serge Hébert did not have it; the police asked to search the vehicle, which belonged to his uncle. In the trunk, the police found a case of beer and a plastic container half-full of bolts. Serge Hébert was arrested for reasons that were not clearly explained and driven to the Tracadie-Sheila RCMP Detachment by Constable Plourde and Corporal Laliberté. These two members did not submit a report following the incident.

At the detachment, Serge Hébert was questioned by Corporal Michel Pagé and Corporal Jacques Giroux. They submitted a detailed report following the incident. During questioning, no evidence was found to establish that the bolts in the rear trunk of the car were to be used as projectiles. Serge Hébert was not charged.

On May 13, 1997, Corporal Laliberté mentioned in a Continuation Report that the case of beer was returned to Serge's uncle. However, the members of the RCMP who were interviewed in the course of the investigation conducted by the Commission were unable to confirm what happened to the bolts.

Serge Hébert arrived with Corporal Denis Laliberté at 10:45 p.m. on May 3, 1997. A Prisoner Report was also prepared, although it is incomplete: apart from the personal information about the detainee, almost nothing else appears on the form. Nothing is mentioned about which police officers arrested him, the reasons for the arrest, or even whether the prisoner's rights were read to him. The only useful information that can be drawn from this report is that the detainee was returned to his parents after an investigation was completed. Serge Hébert was eventually released at a quarter past midnight by Corporal Laliberté.

---

[197] Albina Duguay, Appendix 8-Sa, p. 5 and Avila Duguay, Appendix 9-Sa, p. 3. See also Silvère Duguay, Appendix 29-Sa, p. 3.

2. Saint-Sauveur, May 4, 1997

During the events of May 3, the chief of the Saint-Sauveur volunteer firefighters contacted the police on a number of occasions to ask for their help, and also to be kept up to date on what was happening. During the evening, a few demonstrators approached the fire station and warned the firefighters not to attempt to put the fire out. The fire chief then informed the RCMP of the threat. It was approximately 11:30 p.m.

Regularly during the evening and throughout the night, fires were lit all over Saint-Sauveur. Members of the RCMP contacted the Saint-Sauveur firefighters frequently so that they could put out the fires.[198] When the firefighters had to go through the roadblock, they asked the demonstrators for permission. On one occasion, they were refused, and the firefighters did not take the risk of provoking them. The fire chief once again called the RCMP, but the call was unanswered.[199]

Rain gradually began to fall during the evening. At approximately two in the morning, it was raining hard and all the demonstrators had dispersed. The fire on the highway near the Doiron & Fils general store had been left unsupervised and the firefighters took the opportunity to extinguish it. However, that was not the end of fire-setting.

The Saint-Sauveur volunteer firefighters had been busy for much of the evening and night. In particular, they responded to a call claiming that a fire had been set to a mattress wrapped around a telephone pole. At approximately 4:30 in the morning, the fire chief dialled 911. The call was forwarded to the Provincial Centre in Fredericton. He asked for a police presence to protect his men and the operator informed him that he would send someone. The police did not, however, respond to the call.[200] Finally, not having received any news from the police, the fire chief, at approximately 9:30 a.m. on May 4, called Staff Sergeant Castonguay, who asked him to wait for approximately an hour and a half to two hours, and told him that reinforcements would be sent.[201]

Following the events of May 3, a rumour went around to the effect that some of the people around the fire on the highway in Saint-Sauveur were armed.[202] Apparently a man proudly showed others a grenade.[203] Another rumour that had been going around for some time was that if the Minister decided to close the school, it would be destroyed.[204] Several strangers had come to the fire on Saturday evening, May 3. The climate had changed since the protest march.[205]

---

[198] Charles Castonguay, Appendix P2, p. 90.
[199] Jean-Guy Sonier, Appendix 21-Sa, pp. 9-10.
[200] Jean-Guy Sonier, Appendix 21-Sa, p. 12.
[201] Jean-Guy Sonier, Appendix 21-Sa, p. 13.
[202] Hermel Mazerolle, Appendix 16-Sa, p. 48.
[203] , Appendix . p. 23, Éric Sonier, Appendix 66-Sa, p. 9.

The special unit was therefore called in. The RCMP management decided to locate the unit near the community of Saint-Sauveur. La Découverte School was designated the headquarters. The school caretaker and the principal, Marcelle Lanteigne, were asked to turn over the school keys to the police.

Early on May 4,[206] the schoolyard gradually filled up with police cars[207] and all the special unit equipment.[208] The patrol teams were organized in such a manner that there was a constant shuttling of police cars in the community. Patrols were being made from one end of the community to the other.[209] In a community of just over 900 people, all this [TRANSLATION] "ant-like activity" [210] caused some apprehension.

During the day of May 4, the police occupied the school and were also seen on the roof of the school. Some residents of Saint-Sauveur stated that they had seen armed police officers on the roof. Staff Sergeant Charles Castonguay admitted that some members of the Emergency Response Team may have gone onto the roof, but he categorically denied that they were sharpshooters. Corporal Tim Belliveau stated that he had gone up to the roof of the school to check out the surrounding area, but that he did not have his weapon with him.[211]

A) Meeting of Save-Our-School Committee with RCMP Representatives

In the morning of May 4, somewhere between 11:30 and noon, the RCMP called members of the Save-Our-School Committee to an emergency meeting at the Accueil, a small building behind the church used as premises by the Scouts. Among the members at the meeting were Thérèse Albert, Conrad Boudreau, Gloria Boudreau, Rainald Duguay, Sylvie Duguay, Monique Ferron, Gilbert Morais, Gustave Noël, Huguette Noël, Alban Noël and Corporal Denis Laliberté. Staff Sergeant Charles Castonguay arrived afterwards. The purpose of the meeting was to advise the committee members that rumours were going around that some people were armed and to inform them of action taken by the police force. At the meeting, the Committee members were also advised of the decision to recall the special unit. The community representatives were also informed of how important the events were becoming in the eyes of the police. The people there were somewhat surprised by the news.

---

[204] Thérèse Albert, Appendix 24-Sa, p. 9.

[205] Léon Hébert, Appendix 5-Sa, pp. 7 & 13 and Huguette Noël, Appendix 40-Sa, p. 20.

[206] Médard Chiasson, Appendix 10-Sa, pp. 11-2, stated that when he left for Moncton on Sunday May 4, at approximately 10:30 or 11:00 a.m., everything appeared to be normal, but that when he returned toward 5:30 p.m. or six o'clock, the school had become the RCMP headquarters. Hermel Mazerolle, Appendix 16-Sa, p. 36, also stated that it was the traffic that had awakened him. Sylvie Duguay, Appendix 48-Sa, p. 16, stated that when they were about to go to mass, the schoolyard was already full of RCMP cars.

[207] Albina Duguay, Appendix 8-Sa, p. 7 and Médard Chiasson, Appendix 10-Sa, p. 12.

[208] Albina Duguay, Appendix 8-Sa, p. 3.

[209] Albina Duguay, Appendix 8-Sa, p. 8.

[210] Émile Gionet, Appendix 12-Sa, p. 9.

[211] Tim Belliveau, Appendix P88, p. 11.

Members of the RCMP asked the Save-Our-School Committee to promise to put an end to the demonstrations so that things could return to normal. The Committee's response was that they were not in a position to make such a decision on behalf of the community. It was agreed that a meeting would be called to invite all residents of the community to pass on to them the information received from the RCMP. They could then decide what would happen afterwards. The representatives of the Save-Our-School Committee were so surprised by the RCMP information that they asked Corporal Laliberté to attend the meeting, so that he could give a proper explanation of the situation to members of the community.

B) Meeting of Save-Our-School Committee with the Community

As agreed, the meeting was called and held at the Saint-Sauveur community centre on May 4 at approximately 2:00 p.m.[212] The residents came in large numbers. The RCMP made sure that it set up a checkpoint and checked everyone.[213]

The representatives of the Save-Our-School Committee began by addressing the crowd. They informed those present of what the RCMP had told them at the morning meeting. To provide them with more details concerning the information, the Save-Our-School Committee representatives asked the members of the community in attendance whether they would allow Corporal Laliberté to provide them with these details. After some hesitation, the people agreed, but on condition that the police officer did not wear his weapon. The Saint-Sauveur residents were then notified of RCMP measures that would be taken if there were further demonstrations. The police officer also announced that the RCMP had adopted a "zero tolerance" position and that all laws would be strictly enforced. When they heard the news, people agreed to put a stop to the demonstrations. The meeting was adjourned and the parties agreed to a joint press conference.

C) Press Conference

Around 7:00 p.m., the RCMP, represented by Staff Sergeant Charles Castonguay, Inspector René-Pierre Tremblay and Corporal Denis Laliberté, and the community representatives, Thérèse Albert and Monique Ferron, held a joint press conference at the school. At the conference, it was announced that the community had agreed to stop its demonstrations and that its objective was not to fight with the RCMP, but to complain about the government decision to close the school. The community had also agreed to find peaceful pressure tactics, and that it would no longer block traffic on Highway 160. Staff Sergeant Castonguay simply defended the intervention by the special unit and referred to the discreditable behaviour of the citizens, without adding further details.

---

[212] Hermel Mazerolle, Appendix 16-Sa, p. 37 and Monique Ferron, Appendix 18-Sa, p. 25.
[213] Rhéal Ferron, Appendix 19-Sa, p. 25.

D) The Arrests

As on the previous day, the police maintained roadblocks at both ends of Highway 160, at the village limits. At these check points, the police were searching cars to ensure that no weapons entered Saint-Sauveur.

(i) René Hébert and Marcel Doiron

Early in the afternoon of May 4, René Hébert was returning from Bathurst with his friend Marcel Doiron. On Highway 160 in front of the church, he was arrested by unidentified members of the RCMP. René Hébert said that at first, the reason given for his arrest was that he was breaking the speed limit, but when the police realized that they were wrong, they decided to arrest both of them on the pretext that they had been in the protest march of May 2. René Hébert and Marcel Doiron were arrested, handcuffed and taken to the Tracadie-Sheila RCMP Detachment.

The prisoner logbook at the Tracadie-Sheila RCMP detachment indicates that René Hébert and Marcel Doiron were placed in a cell at 2:00 p.m. by Conrad Duguay, an auxiliary who was also the guard. Highly inadequate Prisoner Reports were prepared for each of the persons in custody. The two Prisoner Reports indicate that the reason for the arrest and imprisonment was the demonstration in Saint-Sauveur. Handwritten notes made by Constable Daniel Maillet were also attached to the forms, indicating that each of the prisoners had the opportunity to contact a legal aid lawyer. Marcel Doiron was released at 2:50 p.m. and René Hébert was released at 3:48 p.m.

The police involved in arresting these people could not be identified, because the Prisoner Reports were not completed properly. Furthermore, no police officer prepared notes concerning involvement in the arrests. It is worthy of note that only René Hébert took part in the May 2, 1997 demonstration.

(ii) Clarence McLaughlin

During the day on May 4, checkpoints had been set up on Highway 160 at both ends of the Saint-Sauveur parish, including one halfway between Saint-Sauveur and Allardville. At approximately 6:00 p.m., several police officers were at the checkpoint, including Corporals Pagé and Giroux and Constables Couture, Ross and Touchette. The police noticed two people in a field near the checkpoint, one of whom, the younger one, had a bag in his hand. They appeared to be watching the police at the roadblock. According to Corporal Pagé, he approached them and found out they were there to film the arrival of the federal New Democratic Party candidate, Yvon Godin. Corporal Pagé said he then returned to the checkpoint.

After returning, Corporal Pagé spoke with the other police officers. Constable Lyne Couture stated that during the demonstration on Friday evening, she had seen someone throwing stones at them. She stated that while she was in position at the roadblock, she recognized the person in question who was nearby: the person holding the bag in his hand. She informed Corporal Pagé that she believed this was the person who had thrown a stone during the demonstration on May 2, the one that had hit Constable Touchette in the arm. The corporal once again advanced toward the two persons in the field to ask them some questions. He was later joined by Constable Touchette and Corporal Giroux.[214]

The two persons identified themselves as Willy McLaughlin and his son Clarence McLaughlin. Corporal Pagé asked Clarence McLaughlin whether he had taken part in the demonstration on May 2, to which he admitted he had. Clarence McLaughlin also admitted having thrown things at the police. As a result of these admissions, Clarence McLaughlin was handcuffed and taken to the Tracadie-Sheila RCMP Detachment[215] by Corporal Pagé and Constable Touchette.[216] Corporal Pagé reported that at approximately 6:10 p.m., before leaving Saint-Sauveur, the person taken into custody had his rights read to him, after which they drove toward Tracadie-Sheila. At 6:45 p.m., Clarence was escorted to a room and questioned. Clarence McLaughlin made a statement to Corporal Pagé. The procedure took approximately an hour and toward 8:14 p.m., after apologizing to Constable Touchette, Clarence McLaughlin was photographed and his fingerprints taken. The Prisoner Report does not indicate that either of these identification procedures were completed. The prisoner logbook indicates that he was locked up at 8:30 p.m. by Constable Touchette.

During this time, Constables Couture and Ross went to Clarence McLaughlin's home and asked his parents for permission to search his room. They were looking for the detainee's white, blue and red coat.[217] The police apparently tried to seize film from a camera on the premises. Mr. Willy McLaughlin remembers saying to Constables Couture and Ross that they should obtain written authorization from his son before searching his room. Constable Couture is not sure whether or not Clarence McLaughlin's father objected to the demand to search Mr. McLaughlin's room, nor whether Mr. McLaughlin objected to their taking the film.

Lastly, Corporal Pagé indicated in his Continuation Report that, following a discussion with Staff Sergeant Castonguay, it was agreed that Clarence McLaughlin would be released on a promise to appear in court the following morning and to keep the peace and not take part in demonstrations. The prisoner logbook indicates that Clarence McLaughlin was released at 9:10 p.m.

During the weekend of May 2 to 4, eight persons were arrested in Saint-Sauveur. The names of the RCMP members who made four of the arrests are known. Inspector Tremblay arrested , Bruno Chiasson and Eric Boudreau; Corporals Pagé and Giroux arrested Clarence McLaughlin.

---

[214] Jacques Giroux, p. 15.
[215] Lyne Couture, pp. 34-5.
[216] Michel Pagé, p. 28.
[217] Lyne Couture, p. 38.

Although three Prisoner Reports give the reason for arrest, the lack of information collected during this investigation prevents me from finding that those arrested were duly informed of the reasons for their arrest. However, I do find that the great majority of those arrested were told of their right to contact legal counsel.

3. Conclusion and Departure for Saint-Simon

When the press conference by the RCMP and the community representatives was over, the special unit authorities met their members to inform them of the events. Since the community had agreed to stop the demonstrations, it was felt that the presence of the special unit was no longer necessary. The police therefore left for Tracadie-Sheila, where they were to spend the evening. However, some remained behind to clean up and gather together equipment that had been installed in the school. It was now between 7:30 and 8:00 p.m.

Meanwhile, at approximately 7:20 p.m., the Caraquet RCMP Detachment had received a call telling them that traffic on Highway 335 to Saint-Simon was blocked by a fire. Constable Alain Tremblay was dispatched to the site to obtain information. When he got there, people threw stones at him. In view of this reception, he withdrew to a safe distance from the demonstrators and called for reinforcements. When the police got into their vehicles to leave Saint-Sauveur, their radio system was filled with requests for reinforcement, and it was only then that the police became aware of the events in Saint-Simon. Rather than send the special unit police officers to the motel where they were to stay, as planned, an order was given for them to go to Saint-Simon.

A number of police officers were already on their way to their regular duties when they received the call. They therefore turned around and headed for La Découverte School to get their equipment. In only a few moments, they were back on the road headed to Saint-Simon.

Following the meeting between the community representatives and RCMP authorities on the afternoon of May 4, Diane Duke, her husband Michel, and their three children, went to Saint-Isidore for dinner. Diane Duke left for Saint-Sauveur just before 8:00 p.m. with her three children.

She said that along the way they met a number of patrol cars. When she reached a location locally called "butte à Jim", three RCMP vans were going in the opposite direction, eastbound. Between the second and third van was an unmarked dark patrol car that suddenly veered into the left-hand lane on the side of the road that Diane Duke was driving, to pass one of the vans. The patrol car had its emergency lights on. To avoid an imminent collision, Diane Duke veered suddenly to the right and onto the shoulder of the road.

Ms. Diane Duke went to a convenience store and discussed what had happened with a person by the name of Éric Sonier. He told her about the number of police officers who were at the school and Ms. Duke decided to go there. At the school, Diane Duke talked to a police officer to find out the name of the officer who was driving the unmarked car with which she almost had a collision, and the police officer told her to contact Staff Sergeant Castonguay.[218]

---

[218] Diane Duke, p. 16.

VIII. EVENTS IN SAINT-SIMON

On May 4, 1997, the RCMP negotiated with representatives of the Saint-Sauveur community to put an end to the conflict, and everything ended with a press conference at 7:00 p.m. Many of the police had left the meeting place. At approximately 7:30 p.m., the police received a radio message that a demonstration had just begun in Saint-Simon and that the demonstrators had thrown rocks at a police officer. The officers who had left Saint-Sauveur quickly returned to La Découverte School to get their equipment and to advise the other members of the special unit who had remained. They all drove toward Saint-Simon.

1. Period Before May 4, 1997

On December 18, 1996, the Parents' Committee of the Lorette-Doiron School received a notice from the School Board announcing that their school would be closed as a result of provincial government reforms.[219] Although a Save-Our-School Committee was eventually established, the Lorette-Doiron School Parents' Committee remained very much involved in the matter of their school closing.

On January 9, 1997, a meeting was held with the local School Board representatives, Keith Coughlan and Luc Lajoie, to discuss the closing of the Lorette-Doiron School. The community representatives were informed that the government's decision was final.

Representations were made to the Caraquet MP and Minister of Fisheries, Bernard Thériault. A number of Saint-Simon residents went to his home to discuss the status of their school. Sergeant Bernard Lajoie also contacted the Minister.[220] His reasons for doing so were to obtain more information about the government's position and attempt to get the parties to the bargaining table.[221]

On February 2, another meeting was organized with the Minister, Bernard Thériault. At the meeting, a brief was given to the Minister in addition to a request to meet James Lockyer, the Minister of Education. The next meeting was on March 18, 1997. During the month of March, a Save-Our-School Committee for Lorette-Doiron School was officially established.[222]

Sergeant Bernard Lajoie, who was in charge of Caraquet Detachment operations, stated that he became aware of the community's efforts to save their school on March 27, 1997, and that he opened an intelligence file.

---

[219] Mireille Manuel, Appendix 4-Si, pp. 1-2 and Isabelle Léger, Appendix 12-Si, p. 1.
[220] Bernard Lajoie, Appendix P3, p. 7.
[221] Bernard Lajoie, Appendix P3, pp. 7-8.
[222] Claude Doiron, Appendix 29-Si, p. 1.

In April, 1997, the frustration of the Saint-Simon parents began to show and demonstrations were quietly organized. First of all, on April 1, 1997, after the community had heard that the Lorette-Doiron School would indeed be closing its doors, approximately 15 people went to the School Board offices in Tracadie-Sheila, with a view to meeting the Superintendent of the school district, Keith Coughlan.[223] When they arrived, the Tracadie-Sheila Municipal Police officers were called in to maintain order.

The next day, the Parents' Committee received an announcement that a meeting had been arranged with the Minister of Education.[224] The meeting was scheduled for April 8 in Fredericton. On that date, the members of the Parents' Committee went to the provincial capital accompanied by local representatives of the Saint-Simon and district chamber of commerce.[225] Representing the Government of New Brunswick were Ministers James Lockyer and Bernard Thériault, in addition to the Deputy Minister of Education. The meeting lasted approximately 45 minutes.[226] The Minister maintained his decision to close the school.

Demonstrations were held afterwards in front of the School Board building. In the first demonstration, on April 14, a number of people once again attempted to discuss the issue with Keith Coughlan. The same scenario was repeated on April 15. During the demonstrations, protesters occupied the School Board buildings. According to Keith Coughlan, he and his family were the targets of personal threats by unidentified people. The Commission's investigation indeed revealed that two arrests were made while the demonstrators were occupying the School Board facilities.

On April 16, the demonstrators went to the office of the Minister, Bernard Thériault, in Caraquet.[227] Sergeant Romuald Landry went there with Constables Léonard Thériault and Nicolas Doiron, all three with the Caraquet Municipal Police. There were approximately 10 parents there. The Minister was in Fredericton at the time. The demonstrators refused to leave until they met the Minister.[228] The Minister arrived at the end of the day and spoke with the parents. Everything ended calmly.

On April 17, the Saint-Simon demonstrators left the School Board and occupied Highway 335 which connects Saint-Simon to Caraquet, to distribute pamphlets to drivers. At about 10:00 a.m., the Caraquet Municipal Police received a call from a woman to the effect that demonstrators were blocking access to the Bernard Bridge and that she had been unable to cross.[229] As the demonstration was within the territory of the Caraquet Municipal Police,

---

[223] Mireille Manuel, Appendix 4-Si, p. 3 and Isabelle Léger, Appendix 12-Si, p. 2.
[224] Mireille Manuel, Appendix 4-Si, p. 3 and Isabelle Léger, Appendix 12-Si, p. 2.
[225] Mireille Manuel, Appendix 4-Si, p. 3.
[226] Isabelle Léger, Appendix 412-Si, p. 3.
[227] Aubin Albert, p. 33 and Romuald Landry, p. 23.
[228] Romuald Landry, pp. 23-4.
[229] Aubin Albert, p. 33 and Romuald Landry, p. 25.

Constable Nicolas Doiron was sent to the site. Sergeant Landry went as well.[230] Later, during the evening, a fire was started along the side of Highway 335 near the Bernard Bridge; traffic was not blocked.[231] There were approximately 20 demonstrators.[232] Everything went calmly.

On April 18, another demonstration was held, this time along Highway 11 to the village of Blanchard. Pamphlets were once again distributed to drivers. Although no fires were lit and no barricades were blocking the highway, the traffic flow was considerably slowed. Corporal Fauteux went to the site to monitor events.[233] During the demonstration, the community was informed that another meeting with the Minister of Education would be held in Bathurst. At 11:00 a.m., the crowd dispersed and the protest ended. The meeting was held on the afternoon of April 18. At the meeting, the Minister was accompanied by Deputy Minister Georgio Gaudet, Raymond Daigle and a member of the RCMP. The members of the Parents' Committee and the Save-Our-School Committee were there, but according to them, the meeting was not satisfactory.

On April 23, 1997, Sergeant Lajoie contacted Mireille Manuel, the Chair of the Parents' Committee, to discuss the events. A meeting was held with community representatives. At the meeting, members of the RCMP informed people in the community of the legal requirements for demonstrations as well as the kind of unlawful behaviour to avoid. According to Sergeant Lajoie, the RCMP also offered its services as mediator.[234] Corporal Fauteux was at the meeting.

According to Sergeant Lajoie, relations with the community were very good at the time. The Parents' Committee and the Lorette-Doiron Save-Our-School Committee shared the task of organizing their opposition to the government's decision to close the school. The RCMP met the community representatives often to obtain information about their intention and also to offer advice when requested. According to the parents' representatives, an agreement had been reached between Corporal Fauteux and the parents' representatives to the effect that a representative from the Parents' Committee should be present during the demonstrations to ensure that there would be open lines of communication between the parties at all times.

The people continued to demonstrate. On April 25, the School Board offices were once again occupied by protesters. On Saturday, April 26, there was a demonstration on Highway 113 in Inkerman. A petition was given to drivers to obtain their support. Only one police officer, Corporal Fauteux of the Caraquet RCMP Detachment, was present.[235] Corporal Fauteux spoke with the demonstrators and left them a few safety vests and traffic cones so that drivers could see them better. The demonstration lasted from about 9:00 a.m. to 3:00 p.m.[236] No public complaints were made against the approximately 10 demonstrators.[237]

---

[230] Romuald Landry, p. 26.

[231] Mireille Manuel, Appendix 4-Si, p. 5 and Isabelle Léger, Appendix 12-Si, p. 19.

[232] Isabelle Léger, Appendix 12-Si, p. 19.

[233] Bernard Lajoie, Appendix P3, p. 17.

[234] Bernard Lajoie, Appendix P3, pp. 4-5.

[235] Mireille Manuel, Appendix 4-Si, p. 27.

The following Monday, April 28, at 8:00 p.m., the community was asked by the Save-Our-School Committee to attend a meeting at the Saint-Simon community centre for an information session. Sergeant Lajoie was in uniform. When he entered the room, he was approached by Mireille Manuel, who wanted to know his intentions. Sergeant Lajoie informed Ms. Manuel that he wanted to be there to answer any questions the residents of Saint-Simon might have, not to gather information. In response to questions, Sergeant Lajoie informed those at the meeting that the RCMP could not allow highways to be closed to traffic and that the action taken by parents to make their point had to be lawful. Sergeant Lajoie even informed the crowd that if traffic were blocked by protesters, measures would be taken by the police to put an end to the demonstrations and that a special unit would be called in if necessary. As Sergeant Lajoie was at the time the non-commissioned officer in charge of the Eastern tactical troop, he informed them of the purpose for the troop and the goals for which it was used. Sergeant Lajoie was then politely asked to leave the meeting, which he did.[238]

Lastly, on April 29 and 30, the demonstrators returned to the School Board to meet Keith Coughlan. On April 30, a fax announced that a meeting with the Minister of Education would be arranged for May 2 in Caraquet.

A) Meeting of May 2 with Minister of Education

On the morning of Friday, May 2, 1997, at 11:00 a.m., approximately 15 members of the Saint-Simon community, including representatives from the Parents' Committee and the Lorette-Doiron Save-Our-School Committee, met Minister of Education James Lockyer. Staff Sergeant Castonguay was also at the meeting.[239] The meeting was at the Caraquet Fishery School; a large number of police officers[240] and part of the tactical troop were in attendance.[241] There were also unarmed police officers on the roof of the building.[242] According to Staff Sergeant Castonguay, the RCMP nevertheless attempted to stay in the background. The Minister of Education announced to them that the Government of New Brunswick was remaining firm in its decision to close Lorette-Doiron School.

Representatives of the Parents' Committee and the Save-Our-School Committee left the meeting exhausted and angry. Journalists on the site collected comments from some of the representatives, including a story quoting a member of the Save-Our-School Committee, Jean-

---

[236] Isabelle Léger, Appendix 12-Si, p. 20.
[237] Isabelle Léger, Appendix 12-Si, p. 20.
[238] Bernard Lajoie, Appendix P3, pp. 62-7.
[239] Charles Castonguay, Appendix P2, p. 30.
[240] Normand Albert, Appendix 8-Si, p. 2 and Isabelle Léger, Appendix 12-Si, p. 4.
[241] Charles Castonguay, Appendix P2, p. 29.
[242] Charles Castonguay, Appendix P2, p. 39.

Guy Lanteigne. Mr. Lanteigne expressed himself forcefully by raising his fist and saying [TRANSLATION] "We have to fight! And they haven't heard the last of us, because now the fight is really going to begin!" This statement could be perceived as an incitement to civil disobedience.

2. May 4, 1997

A meeting with the citizens of Saint-Simon had been planned by the Save-Our-School Committee for the afternoon of May 4 in the parish hall to announce the Minister's decision.[243] Approximately 150 members of the community were present.[244] Those in attendance were disappointed and frustrated over the government decision. At the meeting, it was decided that people would hold a demonstration around a fire on the highway during the evening. The exact location of the demonstration does not appear to have been set at the meeting.

A) The Demonstration

Late in the afternoon, at approximately 6:00 p.m., a fire was started in the middle of Highway 335 near the Bernard Bridge.[245] (see map p. 249) There were very few demonstrators to begin with, but the numbers increased as the evening progressed, rising from approximately a dozen to over a hundred when the special unit intervened. However, it is difficult to state a precise number for the final estimate because the statements vary considerably. According to the parents' representatives, there was an "agreement" with Corporal Fauteux that a member of the Parents' Committee was to be present at each demonstration to control the crowd, and that if a police officer were to appear, this person was simply to step forward and identify himself or herself.[246] At the beginning of the demonstration, no members of the Parents' Committee were present. Isabelle Léger, the committee secretary, arrived somewhat later.

Éloi Albert was among the people present while the fire was being prepared. He stated that he supplied the wood for the "bonfire" and that he had no hesitation supplying the wood because the school was so important to the small community. Some apprehension surfaced when the time came to light the fire: some people hid their faces, either with balaclavas or by raising their sweaters over their noses. For some demonstrators, none of this was considered serious.

At approximately 7:20 p.m., Constable Alain Tremblay of the Caraquet RCMP Detachment received a call saying that Highway 335 just beyond the Caraquet town limits was blocked. When he arrived near the Bernard Bridge at 7:35 p.m., just before the Saint-Simon town limits, he saw the demonstrators on the highway. He estimated the crowd at approximately 30 people. He approached in his vehicle until a few of the demonstrators began to throw things at him and shout insults. Some demonstrators had objects in their hands and moved toward him in a threatening manner. Seeing that communication with the group was impossible, he chose to back off. He parked his car a fair distance from the demonstrators and across the road so as to block access to traffic, and then called for reinforcements. At 7:40 p.m., he contacted Corporal Fauteux to inform him of the situation, and called the Caraquet Municipal Police to ask that Highway 335 be blocked at the intersection of Saint-Pierre Boulevard.

---

[243] Mireille Manuel, Appendix 4-Si, pp. 8-9, Normand Albert, Appendix 8-Si, p. 19 and Fernande LeBreton, Appendix 8A-Si, p. 1.

[244] Normand Albert, Appendix 8-Si, p. 19.

[245] Sonia Ward-LeBouthillier, Appendix 1A-Si, p. 2.

[246] Mireille Manuel, Appendix 4-Si, p. 9.

When Chief Aubin Albert of the Caraquet Municipal Police Service received the call, he put all of his officers on duty, and personally went to the location where Constable Tremblay had set up the roadblock.

The demonstrators occupied the highway until the RCMP arrived in Saint-Simon. While the police were consolidating their position, Johanne Landry-Gallien crossed the bridge to go and see what was happening on the other side;[247] her mother-in-law lived in the cottage on the other side of the bridge, and her daughter was to spend the night there. According to Ms. Landry-Gallien, when she was halfway across the bridge, Constable Alain Tremblay and Corporal Joseph Fauteux went to speak with her.[248] No warning was given that the demonstrators were to clear the highway and extinguish the fire. After informing herself on the situation of the occupants of the cottage and exchanging some information with the police, Johanne Landry-Gallien retraced her steps. Constable Tremblay had asked her how many demonstrators there were around the fire and whether any of them were armed. She told the police that there were over 50 protesters and that she had not seen any weapons.

When she returned to the fire, Johanne Landry-Gallien saw a second fire[249] being started somewhat farther along the highway.[250] Johanne Landry-Gallien stated that a man wearing a tuque passed her with a marine flare in his hands. The person approached the bridge, lit the flare and then threw it toward the police.[251] Having failed to throw it far enough, he moved forward, picked up the flare again and threw it a second time toward the police. A few of the police officers say that they saw a distress signal thrown in their direction.

After Johanne Landry-Gallien returned to the site of the fire, the Caraquet Municipal Police Chief, Aubin Albert, and Corporal Fauteux of the RCMP, attempted to approach the crowd without a loudspeaker. According to them, when the demonstrators saw that they were approaching, they picked up rocks and threw them in their direction, forcing them to keep their distance and to eventually turn back.

---

[247] Johanne Landry-Gallien, Appendix 2-Si, p. 9 and Sonia Ward-LeBouthillier, Appendix 1A-Si, p. 3

[248] Johanne Landry-Gallien, Appendix 2-Si, pp. 9-10.

[249] Johanne Landry-Gallien, Appendix 2-Si, p. 13, Fernande LeBreton, Appendix 8A-Si, p. 7 and Dérilda Morel, Appendix 9-Si, pp. 2 & 5.

[250] Maryse Chiasson, Appendix 9C-Si, p. 3.

[251] Also see Andrea Paulin, Appendix 31-Si, pp. 4-6.

B) Police Intervention

According to statements from the police, as the police presence became stronger at the Bernard Bridge, police officers were dispatched throughout the various highways to set up roadblocks. Corporal Michel Lanteigne with Constable Nicolas Doiron as his partner, both from the Caraquet Municipal Police, were to go and block access to Highway 335 near the Olympic Metal company. It was not a very busy road and, after a while, Constable Doiron returned to the Bernard Bridge to wait for the RCMP Special Unit.[252] Corporal Lanteigne contacted the ambulance services and asked for two ambulances to come to the site and to be ready in the event they were needed.

Other police officers, including Constables Raymond Danis, Luc Fournier, Scott Myles, Rick Tessier, Luc Thibeault, Luc Touchette and Guy Turcotte, in addition to Corporals Giroux and Pagé, were dispatched to various locations along the roads leading to Saint-Simon to set up roadblocks to redirect traffic. Somewhat later, all these police officers gathered in front of the church in Saint-Simon and set up a checkpoint.

As mentioned in the previous chapter, at 8:15 p.m., Corporal Fauteux called Sergeant Lajoie, who was still at the La Découverte School in Saint-Sauveur, to inform him of the events in Saint-Simon. Sergeant Lajoie decided to muster the RCMP Special Unit to clear the highway if necessary, and then headed for the site, which he reached at approximately 8:40 p.m. The special unit only arrived on the site at approximately 9:30 p.m. because of the various preparations required.

Shortly after the tactical troop arrived on the site, the police got into formation, beginning with the tactical troop, followed by the tear gas unit, the arrest unit and, at the rear, the Police Service Dog teams. Corporal Jurcina and Constable Perriard, members of the Emergency Response Team, were sent off to do reconnaissance. They advanced toward the demonstrators in the surrounding woods.[253]

The Caraquet RCMP office had obtained reliable information indicating that the Bas-Caraquet School might be set on fire or destroyed, and therefore Constable Bruno Saindon, accompanied by auxiliary Donatien Hébert, were assigned to carry out surveillance and protection of the school from 10:30 p.m. on May 4 to 4:00 a.m. on May 5.

---

[252] Nicolas Doiron, p. 3.

[253] René-Pierre Tremblay, p. 92, Wilfrid Hiscock, pp. 34-5.

C) The Confrontation

At approximately 10:00 p.m., the troop was deployed on Highway 335.[254] As in Saint-Sauveur, the members of the tactical troop struck their shields with their batons,[255] which was the only warning to the demonstrators that the police force was approaching.

Émilien Foulem was on his way to Caraquet. When he got close to the property of Éloi Albert, he saw that the highway was blocked by a fire. He went close to the site to see what was happening. Afterwards, he walked toward the Bernard Bridge, where two police officers, including Chief Aubin Albert, called him over to ask him whether the demonstrators were armed. Mr. Foulem told the police that he had not seen any weapons and returned toward the fires.[256] When Mr. Foulem heard the special unit advancing, he got into a car that eventually backed up as far as Roger Foulem's fish processing plant.

It is difficult to estimate how many people were on the highway, because the stated accounts vary considerably. As they heard the unit approaching, the demonstrators at the first fire stayed where they were to watch events unfold. When they realized how serious the situation was, some moved back toward the second fire, warning the others that the RCMP were approaching. A few remained in position near the first fire and responded to the approach of the police by throwing rocks and chunks of asphalt that were at hand and could be used as projectiles. Some returned to their vehicles and waited for things to play themselves out,[257] while others fled.[258]

When the tactical troop got within range of the demonstrators, the order was given to fire the tear gas. The gas launchers took up their positions and the first tear gas cartridges were fired.[259] Most of the demonstrators left the site when the first round of gas cartridges were launched. A few demonstrators remained on the highway and threw rocks at the police. Sergeant Lajoie communicated with Constables Danis and Touchette to inform them that some cars were headed in their direction.[260]

Éloi Albert lived near the site of the demonstration. Several demonstrators had parked their vehicles along the highway and Éloi Albert had allowed a few others to park on his property. When the confrontation began, Éloi Albert went to his property, but did not enter his home. One of his brothers, Hédard Albert, was also there.

---

[254] Fernande LeBreton, Appendix 8A-Si, p. 7 and Dérilda Morel, Appendix 9-Si, p. 6.
[255] Sonia Ward-LeBouthillier, Appendix 1A-Si, p. 3.
[256] Émilien Foulem, Appendix 13-Si, p. 5.
[257] Maryse Chiasson, Appendix 9C-Si, pp. 3-6 and Jacqueline Albert, Appendix 14-Si, pp. 3-4.
[258] Dérilda Morel, Appendix 9-Si, p. 7, Nadia Morel, Appendix 9A-Si, pp. 10-1 and Étienne Noël, Appendix 9B-Si, p. 6 and Agnès Savoie, Appendix 3-Si.
[259] Sonia Ward-LeBouthillier, Appendix 1A-Si, p. 3.
[260] Continuation Report of Raymond Danis concerning events of May 4, 1997.

Both of them were near the highway when the tactical troop approached. Sergeant Potvin ordered them into the house, but Éloi Albert answered that he was on his own property and that he had the right to be outside. An order was then given to fire tear gas to force the two Albert brothers to leave. Approximately three tear gas cartridges were launched in their direction.[261] Hédard Albert went toward the front door of the house while Éloi Albert hid behind the house and continued to observe the police movements.

Maryse Chiasson had gone very early to the site of the demonstration. She was there when the fire was started. She also witnessed the arrival of Constable Tremblay, who had unsuccessfully attempted to get close to the demonstration.[262] Shortly thereafter, the demonstrators set a second fire on Highway 335 south of the first fire. (See diagram p. 249). Most of the protesters eventually gathered around the second fire. Maryse Chiasson stated that she went to the second fire to try to get people to come to the first fire, which was closer to the Bernard Bridge. When she returned to the first fire, she could see people fleeing in a disorganized manner, shouting that the special unit was approaching. She took refuge in her car, which was located on Éloi Albert's property. Her sister got into the car with her, and they stayed there to watch what was happening.

When the special unit began its intervention, Isabelle Léger, her mother Fernande Léger, and her sister Jocelyne Léger, got into Isabelle Léger's car, which was also parked in Éloi Albert's yard. Fernande LeBreton joined them later.

Pierre Lanteigne was at the first fire with his sister, Ruffine Lanteigne. According to Mr. Lanteigne, he had parked his vehicle along Highway 335. When the confrontation began, his pick-up truck was surrounded by [TRANSLATION] "people", which made it impossible for him to leave. He decided to back his vehicle into Éloi Albert's yard; he backed it up until he was parked right in front of the garage.

The police, including Constable Renaud Bourdage, saw Pierre Lanteigne's pick-up truck and approached it. Pierre Lanteigne was arrested.

According to Pierre Lanteigne, a police officer suddenly opened the driver's door of his truck without giving him a chance to unbuckle his safety belt, and the police started trying to drag him out of his vehicle. Pierre Lanteigne said that when he succeeded in undoing his safety belt, he was dragged to the ground by the police officer.[263] According to Pierre Lanteigne's statement, one of the police officers placed a knee on his back and another put a foot on his neck while attempting to tie his hands behind his back. The police searched his truck and one of them saw a baseball bat and took it. Pierre Lanteigne said that this police officer began to ask him questions in a threatening manner while holding the bat in his hands. A member of the Caraquet Municipal Police who knew him then intervened to tell the member of the RCMP that the baseball bat belonged to the detainee's son. Pierre Lanteigne was eventually escorted to the patrol car of Constable Martin Hachey without offering any resistance,[264] and he was driven to the Municipal Police Station in Caraquet.

---

[261] Éloi Albert, Appendix 13-Si, pp. 9-10.

[262] Maryse Chiasson, Appendix 9C-Si, pp. 1-2.

[263] Pierre Lanteigne, Appendix 23-Si, p. 9, Maryse Chiasson, Appendix 9C-Si, p. 4.

Constable Richard Ross was questioned by Sergeant Gaétan Germain. In his statement, Constable Ross stated that during the march he had [TRANSLATION] "arrested a person who was parked along the highway." According to Constable Ross, the man was stopped and handcuffed, his truck was searched, and "a wooden baseball bat was found on the seat of the truck."

Isabelle Léger and the other passengers in her car got out and introduced themselves to the police after witnessing the arrest of Pierre Lanteigne. Ms. Léger introduced herself as a member of the Parents' Committee. Maryse Chiasson, who was also a member of the Parents' Committee, got out of her own vehicle accompanied by her passenger, and introduced herself in the same way. According to them, instead of arresting them, the police ordered them to enter Éloi Albert's house, which was nearby.

The police continued to march toward the demonstrators. The tactical troop had passed the second fire and the members of the arrest team, the Emergency Response Team and the Police Service Dog teams brought up the rear, making sure the site was safe and free of possible traps. To their left was a road called de l'Avenir Road. Albertin Albert, one of the demonstrators, had parked his pick-up truck there. Roger Foulem and his wife, Lucette Foulem, had also parked their car at the intersection to this road. When the RCMP intervened, Albertin Albert got into Roger Foulem's vehicle with him and Ms. Foulem. At one point, Mr. Foulem had to move his car because the tear gas was getting into it.

Shortly thereafter, Albertin Albert asked Mr. Foulem to stop his car so that he could get to his own vehicle. When Albertin Albert reached de l'Avenir Road, he saw a few police officers on the highway. They saw him too. Two cartridges were fired in his direction. According to Albertin Albert, it was not tear gas, because the projectiles were smaller than a gas canister and the projectile simply gave off sparks.[265] On the other hand, Constable Boivin, a tear gas launcher, stated that he had seen a vehicle in a lane on the left and that tear gas had been fired in that direction.[266]

Albertin Albert said that when he got into his vehicle and saw that the police were coming in his direction, he decided to wait for them so that he could explain what he was doing. A dog handler came toward him ahead of the other police officers. According to Mr. Albert, when the dog handler reached his pick-up truck, he opened the door, told him he was under arrest, grabbed him and threw him to the ground. Other police officers arrived and Albertin Albert was handcuffed. Albertin Albert stated that while the police were arresting him, he felt two twinges: one on the arm and another on his thigh. However, he said he did not see a dog. He was escorted to Constable Hachey's patrol car, and driven to the Caraquet Municipal Police Detachment with Pierre Lanteigne.

---

[264] Maryse Chiasson, Appendix 9C-Si, pp. 4-5 and Isabelle Léger, Appendix 12-Si, p. 9.
[265] Albertin Albert, p. 9.
[266] Rhéal Boivin, pp. 28 & 34-5.

When the police had cleared the highway, the firefighters approached to put out the fires. Representatives of the New Brunswick Department of Transport were also on the site to clean up the road. These teams had been called in and remained in the rear while waiting for the special unit to clear the highway. While they were taking care of the first fire, the special unit continued its march southward toward the second fire. The demonstrators fled, backing up along Highway 335.

Constables Danis, Fournier, Myles, Tessier, Thibeault, Touchette and Turcotte, and Corporals Giroux and Pagé, had set up a roadblock at the intersection near the church. The first vehicle to arrive had two young people in it. Constable Touchette asked the driver to get out and show the usual ID. Constable Danis noticed two pairs of gloves and a black balaclava on the floor in the rear of the vehicle. At approximately the same time, another vehicle arrived. Four or five people were inside the vehicle, and when Constable Tessier approached and ordered the driver to roll down the window, he noticed the smell of smoke or gasoline. He asked the driver to show the usual ID and to get out of the car: the driver did so. In the meantime, however, a number of people had gathered and were walking in their direction.

At the other end of the highway, the tactical troop approached the second fire. At approximately the same time, Sergeant Bernard Lajoie received a call from Constable Thibeault, who had been dispatched along with several others to the intersection in front of the church, telling him that a group of people, perhaps 30, were headed in his direction and that their intentions did not appear peaceful.[267] Corporal Jacquard gave a similar account.[268] Constable Thibeault asked permission to use pepper spray, to which Sergeant Lajoie did not agree. They were ordered to fall back further along the highway.[269]

Most of the police officers got into their vehicles and left. Constable Tessier stayed behind to speak with the person he had stopped. Constable Touchette ordered Constable Tessier to get in and leave, but people were already surrounding the vehicle and blocking the road.

A man got in front of the patrol car and began to rock it. After a few moments, he stopped and moved to the side of the car toward the driver's side window. Constable Touchette opened his window a crack and used pepper spray to force the person back; the patrol car was then able to leave the site. Constables Touchette and Tessier went along Highway 335 to where the special unit was now in confrontation with the demonstrators.

---

[267] Bernard Lajoie, p. 191.
[268] Wayne Jacquard, p. 43.
[269] Bernard Lajoie, p. 191.

The police officers who were parked near the church had not been successful in maintaining the roadblock, and a number of drivers were using Highway 335 toward Caraquet. Along the way, these drivers met the demonstrators being pursued by the police. One of these cars approached the special unit, but when the driver realized that the highway was blocked, he turned his vehicle into someone's driveway. Corporal Chenel, a dog handler, and Sergeant Potvin approached this vehicle. They saw two elderly persons in the vehicle and, after a brief discussion with them, they allowed them to take the highway back in the direction they had come from. One of the occupants was a person by the name of Lanteigne, the father-in-law of one of the police officers in the special unit. The special unit remained for a few moments at this location and, after the car had left, resumed its march toward the demonstrators, a few of whom continued to occupy the highway.

During this police intervention, the officers wore heavy clothing and equipment. Many police officers were soon sweating and some said that steam was forming inside their gas masks. Others said they had trouble following the troop.

While the special unit was on the heels of the demonstrators, Bertrand Gallien and his brother-in-law, Jean Léger, left by car for Caraquet. When they reached the church, their vehicle was stopped by the police, but they were allowed to continue on their way. On Highway 335, after they passed the fish processing plant, on the way to the confrontation, they heard the tactical troop advancing and hitting their shields. Realizing that they could not get by, they decided to turn around. In the process, a tear gas cartridge bounced off the rear window of the car and shattered it.[270] The windows were open and the vehicle was filled with gas. Jean Léger had no choice but to jump out of the car while Bertrand Gallien drove his car into the yard of Roger Foulem's fish processing plant, keeping his head outside the car while driving.[271] Before the special unit reached the plant, Bertrand Gallien had left the site and he filed a claim that same evening.

Among the people who had been near the fire some simply left in their cars, stopping in the parking lot of Roger Foulem's fish processing plant. Several of these people were therefore gathered together in the parking lot to the left of the fish processing plant.[272] A number of people came to join them, including people on the way to Caraquet who, on seeing the demonstration on the highway, decided to stop and others who, having heard about the events, were there out of curiosity. There was some coming and going between the parking lot and the highway.[273]

---

[270] See also Roger Foulem, Appendix 17-Si, p. 4.

[271] Bertrand Gallien, Appendix 16-Si, p. 1.

[272] Roger Foulem, Appendix 17-Si, p. 14.

[273] Bernard Lajoie, p. 198.

The police had stopped on a small hill not far from Roger Foulem's fish processing plant. Most took off their masks and helmets so they could breathe more freely. It was decided to end the confrontations. It was suggested that the patrol cars be used to catch up with and arrest some of the demonstrators. Sergeant Lajoie ordered some police officers to drive their vehicles forward to take on a few passengers and catch up to the crowd. Corporal Fauteux drove his 4X4 truck forward and parked it diagonally across the road; Corporal Jacquard and Constable Babineau also got into their vehicles and performed the same manoeuvre as Corporal Fauteux.

Roger Foulem said that while the intervention was being prepared, he came up to the police to ask their permission to park his vehicle in front of his plant to protect his property. He first spoke in a rather rude manner to Corporal Fauteux. When Sergeant Lajoie saw him, he approached Roger Foulem who asked him not to use tear gas near his plant. After they exchanged a few words, Sergeant Lajoie asked him to leave.[274] Roger Foulem returned to his plant to wait for events to unfold.

D) Redeployment of Police Officers

A total of 14 police officers got into 3 patrol cars to get closer to the demonstrators and make arrests. These police officers included the three drivers: Corporals Fauteux and Jacquard and Constable Babineau. Constable Bibeau was a passenger in Corporal Jacquard's car and Constable Boisvert was with Constable Babineau. In a Continuation Report, Constable Chris Lamarre said that he too had taken part in this operation and that he was a passenger in a 4X4. Of the three vehicles involved, Corporal Fauteux's Ford Explorer was the only 4X4, and it seems reasonable to conclude that Constable Lamarre must have been in this vehicle. Constable Allen Farrah said that he was a passenger in a vehicle with Constables Mark Janes and Lamarre.[275] Other police officers involved in the operation have been identified as Constables Richard Bernard, Gerry Landry, Laurie Maillet, Daniel Guy, Jean-Pierre Goyette and Corporal Gilles Maillet.

On orders from Sergeant Lajoie, the three vehicles chased the demonstrators. The police officers intercepted the demonstrators in the parking lot in front of Roger Foulem's fish processing plant. The vehicles arrived at high speed and parked along Highway 335 in front of the plant. When they saw the patrol cars heading in their direction, the few people who remained on the highway to face the police dispersed. Several crossed the plant parking lot and went behind it; others went in the opposite direction into the woods in front of the plant, and a few took refuge in the vehicles parked near the road.

---

[274] Bernard Lajoie, p. 200.
[275] Allen Farrah, p. 10.

(i) Constable Babineau's Patrol Car

The first car, the one driven by Constable Babineau, stopped at one end of the plant yard. When it came to a stop, the police quickly got out. Constable Babineau said that he had chased a demonstrator about six feet tall and wearing a denim jacket and trousers who was heading toward the woods in front of the processing plant. This description is similar to the description given of the person pursued by Constable Mark Janes. When the person in question went into the woods, Constable Babineau stopped his pursuit and turned back. When he reached the parking lot, everything was over and he made no arrests. All he did was escort a medium- to heavily-built person of approximately 55 years old, who was already under arrest, to another patrol car. He said that he believed he had placed him in Corporal Jacquard's car.

Constable Jacques Boisvert was a passenger in the front seat of the car driven by Constable Babineau. He believes that there were three other police officers in the back seat. On the basis of the statements gathered, these police officers were very likely Constables Daniel Guy, Gerry Landry and Laurie Maillet. When the car stopped, Constable Boisvert chased the people who were escaping into the woods. When they entered the woods, he turned around and went back to the parking lot. He saw a young man inside a vehicle nearby and went toward him. In a report dated May 5, 1997, Constable Boisvert stated that he moved toward a young man, seized him by the upper body and that, while he was forcing him out of the vehicle, a dog bit him on the leg. When questioned by the Commission investigators, Constable Boisvert said that he could not remember whether the person in question was inside or outside the car. Furthermore, the identity of the dog handler and that of the young man arrested could not be determined.

According to Constable Daniel Guy, all the police officers in the first line of the tactical troop got into vehicles[276] to intercept the demonstrators. When the patrol car in which he was a passenger came to a stop, he went toward the woods in pursuit of demonstrators. He was accompanied by two other police officers. When the suspects went into the woods, the police turned around and went back. Once on the highway again, a car with no headlights drove toward them; the vehicle missed them by only a few centimetres. Constable Guy stayed on the highway and kept watch.

As soon as the patrol car stopped, Constable Landry chased a demonstrator who had fled behind the plant. He followed him to the rear of the building, but at this point gave up his pursuit and went back. He says that when he reached the parking lot in front of the processing plant, he saw a man being arrested. He saw one or two women with this man and ordered one of them to sit in a patrol car while waiting for a police officer to deal with her.

The last police officer in Constable Babineau's patrol car was Constable Laurie Maillet. Laurie Maillet went toward a vehicle in the processing plant parking lot. A fairly elderly man was in the car. The doors were locked, the windows shut and the engine was running.

---

[276] Daniel Guy, p. 15.

Constable Maillet went to the driver's side and indicated to the driver that he should open the door. When the occupant complied, he got out of the vehicle and the police noticed a strong smell of alcohol. Constable Maillet was accompanied by Constable Léo Charles Pelletier. After the man got out, Constable Maillet leaned inside the vehicle to turn the engine off and take the keys. The person was placed under arrest and turned over to Corporal Jacquard, who drove him in his patrol car. The detainee was identified as François Lanteigne. Constable Pelletier did not submit a report further to this arrest. On the other hand, Corporal Jacquard and Constable Maillet did submit reports. Corporal Jacquard's was very detailed.

(ii) Corporal Fauteux's Patrol Car

Corporal Fauteux took on a few passengers in his Ford Explorer and, when ordered by Sergeant Lajoie, he left to follow Constable Babineau's patrol car. He followed the patrol car to one end of the plant yard, and then parked on the right side, diagonally in the yard. The demonstrators had gone behind the plant and Corporal Fauteux pursued them on foot. However, he tripped while running and the demonstrators disappeared. When he returned to the front of the plant, arrests were being made near a car, where there were a man and two women. Corporal Fauteux said that he took part in arresting a person he believed was from Évangéline. When he returned to his vehicle, Lionel Foulem, Mario Savoie and had already been arrested and placed in it. Constable Léonard Thériault of the Caraquet Municipal Police was asked to drive the persons who had been arrested to the Caraquet Municipal Police Detachment.

Corporal Gilles Maillet stated that he was in one of the first vehicles when they drove toward the demonstrators. When the patrol car stopped, Corporal Maillet got out on the right-hand side, and went toward the cars in the processing plant parking lot. He went toward a vehicle in which there were several people, including a female driver with brown curly hair. There was also a in the car. Some fellow officers arrived at the car before him and ordered the occupants to get out and lie down. He also saw a dog bite one of the young men. Corporal Maillet said that the woman who was kneeling near him kept repeating that they were only curious and had not done anything, to which the police officer replied that it was impossible to tell the difference.

Constable Farrah, who was in the back seat of Corporal Fauteux's vehicle, got out on the left-hand side and went in the opposite direction from the plant, that is, toward the woods. He was chasing a demonstrator who was wearing a black leather jacket and who had taken off in that direction. After reaching the woods, he chased him for about 20 metres, but turned back after losing sight of him. While returning he crossed the highway accompanied by Constable Janes, and was nearly hit by a car that was driving off. Constable Farrah then continued toward the parking lot of the processing plant.

Like Constable Farrah, Constable Janes went toward the woods in pursuit of a suspect wearing a denim jacket and trousers. He followed him for a few metres into the woods and turned back. He then went toward the processing plant parking lot, where he saw the police making arrests. Constable Janes returned to the plant parking lot to help arrest a young man, probably Constable Janes said that he helped get him under control by forcing him to the ground. According to Constable Janes, the two other police officers who took part in the arrest were Marc Perriard and a person by the name of John from the Emergency Response Team. He has been identified as Corporal Jurcina.

In his Continuation Report, Constable Chris Lamarre said that he was sitting in the rear seat of a 4x4 (Corporal Fauteux's vehicle) when they approached the crowd. When the vehicle stopped, Constable Lamarre got out quickly on the right-hand side and stopped a person who was approximately five or ten feet from the highway. He took him up to the Ford Explorer, searched him, handcuffed him and put him inside the vehicle.

(iii) Corporal Jacquard's Patrol Car

The car driven by Corporal Jacquard was the last to head in the direction of the demonstrators. The parking lot in front of the processing plant is relatively large, and the vehicle advanced to the far right side of the lot. The vehicle was parked behind the other two patrol cars. Corporal Jacquard got out of his vehicle quickly, and went toward the front of the car to get around it, because the parking lot was to the right of the vehicle. He had barely walked a few paces when he heard the voice of a police officer shouting to him. He turned around and saw Constable Benoît Bibeau, who had been a passenger in his vehicle, standing next to the car and not moving. Corporal Jacquard stopped and realized that Constable Bibeau had a foot caught under the left rear wheel of the vehicle. This is consistent with the statement given by Constable Bibeau.

Corporal Jacquard then noticed a blue car leaving the parking lot of the fish processing plant. The car was coming toward him and his fellow officers who had been somewhat further down the road. The car did not have any lights on[277] and there were two people in it, Mario Chiasson and Danielle Plourde. He instinctively closed the door of his vehicle, put out his hand and ordered the driver of the car to stop. When he realized that the driver was not going to stop, he took out his baton and continued to order him to stop. When the car was close to him, he hit it with his hand and then struck it near the windshield with his baton. When the vehicle had gone partly past him, Corporal Jacquard hit it again, this time shattering the rear window. The car nevertheless continued to flee without stopping. (A few days after the incident, Mario Chiasson submitted a claim for damage to his windshield and the rear window of his vehicle. The vehicle, a blue 1981 Chrysler LeBaron, matches the description given by Corporal Jacquard. In settlement of this claim, Mario Chiasson received $740.81.) Corporal Jacquard documented his involvement in the incident very well.

It was not possible to determine from Constable Jean-Pierre Goyette's interview which of the three patrol cars he was in. When he got out of the vehicle in which he was a passenger, he said that he ran toward people he considered demonstrators. He said that he stopped near a car with Quebec licence plates. He exchanged a few words with a woman who was in the rear seat on the passenger side and who said she was a resident of Quebec. It is likely that this person was Jeanine Hébert, Robert Jobin's girlfriend and the niece of Lionel Foulem. There was another person seated on the rear seat on the driver's side. After speaking with this woman briefly, Constable Goyette continued his chase to the rear of the plant to intercept demonstrators. According to him, he did not arrest anyone and was not involved in any arrests.

---

[277] See also Daniel Guy. p. 17.

Constable Richard Bernard stated that he had participated in the police intervention. When the patrol car in which he was a passenger stopped, he arrested the first person he encountered. Constable Bernard described the person as "an older fellow" with greying hair, who said he was a tourist from Quebec.[278] Constable Bernard escorted this person to a patrol car and pushed him up against the hood. When another police officer arrived, Constable Bernard left and continued to search around the plant.[279] Although he did not mention the name of the person he apprehended, the evidence supports the conclusion that it was Mr. Robert Jobin. Constable Bernard did not prepare a report concerning this arrest. However, Corporal Jacquard submitted a very detailed report after driving Mr. Jobin to the police station.

(iv) Redeployment of Other Police Officers

The majority of the police officers, who had waited on the road while the three patrol cars chased demonstrators, followed at a fast pace.

Mr. Roger Foulem was in the yard of his plant speaking with Jean Dominique Mallet and Paul Albert when the police arrived in the parking lot. Corporal Don Chenel, a dog handler, walked toward Roger Foulem and, according to Mr. Foulem, ordered him to kneel. When Roger Foulem told him that he was the owner of the building and that he would not kneel, the dog handler ordered his dog to attack. According to Roger Foulem, there was a physical confrontation between himself, the police officer and the dog. Roger Foulem put his right arm forward toward the dog to control him. He seized the police officer with his left arm. The police officer continued to order him to kneel, but Roger Foulem refused to obey the police officer's order. The dog handler ordered his dog to attack again. The dog bit Roger Foulem's right arm again. This continued until the arrival of Sergeant Bernard Lajoie, who informed the dog handler that Roger Foulem was the owner of the plant and had the right to be there. Corporal Chenel admitted that his dog lunged forward and grabbed the man's jacket but denied having given an order to attack.

The other police officers scattered everywhere in the plant parking lot and made several arrests. These are discussed in the next section. The police activities in the parking lot of the fish processing plant lasted approximately ten minutes. When things calmed down, Sergeant Potvin remustered the members of the special unit and the police cars left the site with their detainees.

---

[278] Richard Bernard, p. 23.
[279] Richard Bernard, p. 23.

In light of the events taking place in the parking lot of the fish processing plant, several people stayed nearby. Sergeant Lajoie picked two patrol cars and instructed them to use the loudspeaker systems built into the vehicles to tell these people to go home. This procedure proved to be effective, because the people dispersed immediately. The special unit then resumed formation on the highway. It continued its march for another few metres until it was decided to return to the bus. The police officers got in and went to the church parking lot, where they spent some time waiting. As everything was calm again, the special unit was disbanded for the night.

The people arrested were driven to the Caraquet Municipal Police Station or the Tracadie-Sheila RCMP Detachment. Those who ended up in Caraquet were then transferred to Tracadie-Sheila with the others. Some of the people detained were questioned by members of the RCMP during the night of May 4, 1997, and they agreed to make detailed statements. One of these statements said that three persons were present at the fire and that they had instigated the demonstration in Saint-Simon on May 4. According to this witness, the demonstrators who were in Saint-Simon on the evening of May 4 said that if the government closed the school, they were going to burn it down.

E) The Arrests

Following all these events, several people were apprehended and placed in custody. These include Pierre Lanteigne and Albertin Albert, who were driven to the Caraquet Municipal Police Station in Constable Martin Hachey's patrol car. Lionel Foulem, Mario Savoie and were also driven to the Caraquet Municipal Police station by Constable Thériault in Corporal Fauteux's Ford Explorer. Robert Jobin, . François Lanteigne and Marc Savoy were driven to the Tracadie-Sheila RCMP Detachment in Corporal Jacquard's patrol car. Christian Noël, Jean Dominique Mallet and Paul Albert were in the rear seat of Constables Jean-Yves Deroy's and Rodrigue McGraw's vehicle, and were taken to the Caraquet Municipal Police station. Although Antoine Godin, Roger Foulem, Lucette Foulem and Géraldine Hébert were not detained, the treatment they received will also be described. It is difficult to provide an accurate chronology of events because the arrests were primarily made in the parking lot of Roger Foulem's fish processing plant in a very short period of time. Furthermore, most of the police officers involved failed to submit reports following the events.

(i) Pierre Lanteigne

Pierre Lanteigne was near the first fire when the special unit advanced along the highway and launched tear gas. Some people ran along Highway 335 in the hope of getting away, while others got into their vehicles. Pierre Lanteigne said that, when the tactical troop approached, he went toward his truck with the intention of leaving the site. He added that after getting into his vehicle, the fact that people had surrounded his truck made it impossible for him to drive away. His pick-up truck was parked on the side of Highway 355 near Éloi Albert's property. After waiting a few moments, Pierre Lanteigne backed his vehicle into the yard of the property until he was near the garage.

A number of constables, including Constable Renaud Bourdages, went toward the vehicle in which Pierre Lanteigne was sitting. According to Mr. Lanteigne, a police officer suddenly opened the door of his pick-up truck and, without giving him time to undo his safety belt, began to pull him from the vehicle. Pierre Lanteigne stated that he was eventually able to undo his safety belt and was then pulled out of his pick-up truck and thrown to the ground. Pierre Lanteigne went on to say that one of the police officers put a knee on his back and another put one foot on his neck while attempting to tie his hands behind his back. Pierre Lanteigne said that the police officer who put a foot on his neck had previously kicked him two or three times in the ribs.[280] The police then picked him up and took him to another vehicle without any resistance from him.

One of the police officers found a baseball bat in Mr. Lanteigne's truck. The latter said that the police officer approached him and asked him some questions in a threatening tone. In a statement that he made to Sergeant Germain, Constable Richard Ross admits having been involved in an arrest as a member of the arrest unit, in [TRANSLATION] "the arrest of a person who parked along the highway. This person was stopped and handcuffed with plastic handcuffs. A search of his truck turned up a wooden baseball bat on the seat."

Pierre Lanteigne said that when the police approached with the baseball bat, a member of the Caraquet Municipal Police stepped in to [TRANSLATION] "save his life."[281] The police officer took Pierre Lanteigne to a patrol car[282] without any resistance from him.[283] He was then driven to the Caraquet Municipal Police Station by Constable Martin Hachey. According to a witness on the site, Hédard Albert, no violence was used by the police officers in arresting Pierre Lanteigne.[284]

Pierre Lanteigne was driven to the Caraquet Police Station, where he was placed in a cell at approximately 10:29 p.m. Later, at 11:30 p.m., he was taken out of his cell by Constable Léonard Thériault so that he could be transferred to the Tracadie-Sheila RCMP Detachment, where the prisoner logbook indicates that he was locked up at ten minutes past midnight by Constable Laurie Losier. At approximately three in the morning, he was taken to a room and interrogated by Corporal Laliberté about the events. He was released by Constable Danis at 9:50 a.m. on May 5, without charges being laid against him.

Only Constable Renaud Bourdages prepared a short Continuation Report explaining his involvement in the arrest of a Mr. Lanteigne. As Pierre Lanteigne had been driven to the Caraquet Municipal Police Station before being transferred to the Tracadie-Sheila RCMP Detachment, two Prisoner Reports were also prepared on this person, both largely incomplete. For example, the forms do not mention the name of any police officer involved in arresting him.

---

[280] Pierre Lanteigne, Appendix 23-Si, p. 28.
[281] Pierre Lanteigne, Appendix 23-Si, p. 13.
[282] Pierre Lanteigne, Appendix 23-Si, p. 14.
[283] Maryse Chiasson, Appendix 9C-Si, pp. 4-5. Also see Isabelle Léger, Appendix 12-Si, p. 9.
[284] Hédard Albert, Appendix 33-Si, p. 8.

In addition, although a photograph of Pierre Lanteigne was taken at the Tracadie-Sheila Detachment, the appropriate box on the Prisoner Report makes no mention of it. Furthermore, the *Tactical Operations Manual* directive requiring that plastic handcuffs be assigned and identified as belonging to a police officer was not followed in this instance.

(ii) Albertin Albert

Albertin Albert said that he lived close to the site of the demonstration and the fires. According to Albertin Albert, when people began to gather, he was in his pick-up truck, which he had driven along de l'Avenir Road to the intersection with Highway 335. He parked his vehicle approximately 150 feet from the highway. He left his truck there and walked to where the demonstrators were on the highway. When the RCMP Special Unit began its intervention, he joined his sister, Lucette Foulem, and his brother-in-law, Roger Foulem, in their vehicle parked along the highway. When tear gas began to seep into the vehicle, they decided to leave. After a few moments in the vehicle, Albertin Albert asked Mr. Foulem to stop so that he could return to his own truck and go home.

Albertin Albert went on to say that he walked along a footpath to get to his pick-up truck, which was parked on de l'Avenir Road. When he was close to his truck, he noticed members of the special unit positioned along the highway and projectiles were launched in his direction. According to Albertin Albert, it was not tear gas, but smaller objects that made sparks. Without worrying about it further, Albertin Albert got into his truck, but he noticed a few police officers walking in his direction, including a dog handler,[285] who was identified in the investigation as Corporal Donald Chenel.

Thinking that he would be given an opportunity to explain himself, he stayed in his truck and waited for them. Corporal Chenel stated that he saw the man running away toward a pick-up truck. He said that when he reached the vehicle, he opened the driver's door. He informed the person that he was under arrest, forced him to get out of the vehicle and made him lie on the ground. Constable Mark Perriard and another police officer arrived to assist the dog handler. Albertin Albert was then handcuffed, picked up and escorted to the patrol car driven by Constable Hachey.

Albertin Albert went on to explain that when he was on the ground, he felt two painful twinges, first on his right leg and then on his left arm.[286] When he got to the Caraquet Police Station, he checked his arm and his thigh, where he could still feel pain, and noticed bite marks. According to Albertin Albert, he did not tell the police he had been bitten and received no medical treatment.

---

[285] Benoît Bibeau, p. 10.

[286] Albertin Albert, Appendix 35-Si, p. 10.

Albertin Albert was first driven to the Caraquet Police Station. The Prisoner Report by the Caraquet Municipal Police indicates that he was read his rights and locked up at 10:32 p.m. He spent between an hour and a half to two hours there. He was then transferred to the Tracadie-Sheila RCMP Detachment. The prisoner logbook of the RCMP detachment in Tracadie-Sheila indicates that Albertin Albert was placed in a cell at six minutes after midnight on May 5, 1997, by Constable Laurie Losier. During the night, Albertin Albert was taken to a room and questioned. He was photographed and returned to his cell until approximately 9:50 a.m., when he was released by Constable Danis, without any charges laid against him.

Although Corporal Chenel admits that his dog bit the coat of the person in question, no report was submitted by this police officer concerning the involvement of himself and his dog in the arrest. No other police officer who could have been involved submitted any report whatsoever. Although two Prisoner Reports were prepared, they are largely incomplete. The names of the police officers who made the arrest are not mentioned, and although Albertin Albert was photographed, no reference was made to this on the form.

The following day, after his release, Mr. Albert was photographed by Mr. Roger Foulem. Mr. Foulem sent a photograph of Mr. Albert to the Commission. The photograph shows two abrasions on Mr. Albert's left leg and another on his left forearm.

(iii) Roger Foulem

Roger Foulem had left the demonstration as soon as the police advanced and the tear gas was fired. For a few moments, the crowd ran around his car. When the road was clear, he went to his fish processing plant. His wife, Lucette Foulem, was a passenger in the vehicle. He said that when he reached his plant, he noticed that the special unit had stopped on a ridge not far from the plant. He therefore turned toward the police to discuss the situation with Sergeant Bernard Lajoie and to ask him for permission to keep watch on his property. When the discussion was over, he returned to the plant and parked his vehicle. He asked his wife to stay in the car. He got out and walked toward his offices.

In the meantime, the police had renewed their chase and others had gone to their patrol cars to attempt to catch up with the demonstrators. According to Roger Foulem's statement, before he was able to reach his office he was challenged in English by a dog handler, Corporal Don Chenel, who ordered him to kneel. He tried to explain that he owned the premises and that all he was doing was keeping watch on his property. When Roger Foulem refused to kneel, the dog handler ordered his dog to attack, and it did. When he saw the dog approaching, Roger Foulem put out his right arm to protect himself and knock the animal off balance. The dog grabbed his arm into his mouth. Roger Foulem said that he grabbed the police officer with his other arm and a confrontation ensued. The police officer continued to order Roger Foulem to kneel, and Mr. Foulem continued to resist. The dog handler then ordered the dog to attack a second time. Roger Foulem continued to resist. Finally, the whole incident ended when Sergeant Lajoie arrived on the site, explained the situation to the dog handler, and ordered him to release Mr. Foulem. According to Corporal Chenel's version, when the person in question said that he owned the premises, he ordered him into the building and denies having ordered his dog to attack.

Mr. Foulem gave the Commission a photograph clearly showing abrasions on his right arm. Sergeant Lajoie's statement tends to corroborate the statement of Roger Foulem, particularly when he said:

> [TRANSLATION]
> ...that happened when the – when we stormed the place. I went in anyway. I came in very close to the plant office and when I reached the corner of the building, that's when I saw Mr. Foulem with a dog handler. I didn't see whether the dog had grabbed him or not, but I shouted to the dog handler that he was okay, that he was with me. That's when Roger came over to talk to me.[287]

Corporal Chenel did not submit a report concerning his participation in the incident with his dog.

(iv) Lucette Foulem

Lucette Foulem stated that when her husband, Roger Foulem, got out of the vehicle, she stayed to see what would happen. In a statement that she made to Sergeant Lemay on May 26, 1997, Lucette Foulem mentioned that while she was sitting in the car, [TRANSLATION] "a man got into the car and got behind the wheel". She added that she did not know him and that the police arrived quickly and got both of them out of the vehicle. Lucette Foulem said that she recognized their car in a photograph published in the *Acadie Nouvelle* newspaper, in which a man dressed in a white sweater and jeans was shown spread-eagled over their vehicle.

While Roger Foulem was struggling with the dog handler, Constable Lyne Couture went to the car where Lucette Foulem, Roger Foulem's wife, had remained. Constable Couture noticed the woman in the car.[288] She opened the door where Lucette Foulem was seated and ordered her to get out. After hesitating a moment, she did so. The police officer grabbed her, took her to the rear of the vehicle and pushed her up against the car. Constable Couture ordered her to place her hands behind her back, which Lucette Foulem hesitated to do. The police officer then grabbed her arms, crossed them behind her back and handcuffed her with plastic handcuffs. Lucette Foulem was then taken to a patrol car and put in the back seat. It is to be noted that the *Tactical Operations Manual* directive requiring that plastic handcuffs be assigned and identified as belonging to a police officer was not followed in this instance.

After Roger Foulem had finally settled his differences with Corporal Chenel, he returned to his vehicle and saw that his wife was no longer there. He asked the police where she was, and on Sergeant Lajoie's orders, she was released.

---

[287] Bernard Lajoie, Appendix P3, p. 204.
[288] Lyne Couture, pp. 46-7.

(v) Jean Dominique Mallet

Jean Mallet met the Commission investigators on April 24, 1998, but refused to make a statement or undergo a formal interview. However, during the investigations by Constable Andréanne Boutet, and then with Sergeant Gaétan Germain, Mr. Mallet made two statements.

In his statements to the police, Jean Mallet said that he had learned about the demonstration from friends and had driven there in his car out of curiosity. When he got there, Paul Albert joined him in his car. They then parked Mr. Mallet's car in the yard of Roger Foulem's fish processing plant. They both got out of the car to go and speak with Roger Foulem.

Roger Foulem stated that while he was struggling with the dog handler, he saw Jean Mallet pass nearby. The dog handler then ordered Jean Mallet to kneel. Roger Foulem said that Jean Mallet put [TRANSLATION] "his soft drink on my bags of salt" and kneeled on the ground, in the mud.[289] Roger Foulem added that the dog handler then attempted to hit Jean Mallet, who was more or less cornered between the bags of salt and the plant.[290]

Jean Mallet was handcuffed, placed in Jean-Yves Deroy and Rodrigue McGraw's patrol car, and driven to the Caraquet Municipal Police Station. The Prisoner Report prepared at the Caraquet Municipal Police Station does not indicate the exact time that Jean Mallet was locked up or when he was taken out of his cell to be transferred to the Tracadie-Sheila RCMP Detachment. The prisoner logbook at the Tracadie-Sheila RCMP Detachment indicates that Jean Mallet was placed in a cell at eight minutes past midnight on May 5, 1997, by Constable Laurie Losier. He was released on that same day at 9:58 a.m. by Constable Danis. There was no police report submitted by any of the officers involved in the arrest of Jean Mallet. Furthermore, the *Tactical Operations Manual* directive requiring that plastic handcuffs be assigned and identified as belonging to a police officer was not followed in this instance.

(vi) Paul Albert

Paul Albert went to the site of the demonstration with his wife, Nathalie Albert. In a Continuation Report dated May 28, 1997, Constable Boutet reports that Paul Albert told her that during the demonstration, he was on the road leading to Albertin Albert's residence, namely de l'Avenir Road, and that he believed he was safe where he was, well away from the demonstration. When the police intervened, he and his wife went toward the centre of Saint-Simon and stopped near the fish processing plant. Once there, he got out of his vehicle and his wife left. The Alberts had seen the police stop on the highway and remove their masks and their helmets; they therefore believed that the demonstrations were over. In his statement to Constable Boutet, Paul Albert said that he had got into Jean Mallet's car and that they were going to park in the yard of the plant. They got out of the vehicle and spoke with Roger Foulem, who also got out of his car.

---

[289] Roger Foulem, Appendix 17-Si, p. 17.
[290] Roger Foulem, Appendix 17-Si, pp. 23-4.

My investigation has not been able to identify the police officers who arrested Paul Albert or to determine how he was arrested. In his statement to Constable Boutet, Mr. Albert states that he was bitten, and the Prisoner Report specifies that Mr. Albert was arrested by an unidentified dog handler.

According to Mr. Albert, he was arrested, placed in a patrol car and driven by Constable Jean-Yves Deroy accompanied by Constable Rodrigue McGraw to the Caraquet Municipal Police Station. Mr. Albert adds that there were two other people, Mr. Mallet and Mr. Noël, in the patrol car. The Prisoner Report that was prepared did not mention what time he was placed in a cell. Shortly after being incarcerated, he was removed from the cell by Constables Deroy and McGraw, along with   , and taken to the Tracadie hospital for treatment for the injuries inflicted by a dog. After that, he was driven to the Tracadie-Sheila RCMP Detachment, where the prisoner logbook indicates that he was placed in a cell at 20 minutes after midnight, on May 5, 1997, by Constable Laurie Losier. Constable Fournier's notes are also attached to the Prisoner Report, and these mention that Paul Albert was taken out of his cell at 2:42 a.m. so that he could call a lawyer. He was returned to the cell at 2:58 a.m. Paul Albert was photographed at the time he was placed in detention at the Tracadie-Sheila RCMP Detachment. Paul Albert was released on May 5 at 9:50 a.m., by Corporal Denis Laliberté without any charges being laid against him.

None of the police officers involved in the arrest submitted a report describing their participation.

(vii) Lionel Foulem

Lionel Foulem, a native of Saint-Simon but a resident of British Columbia, was in New Brunswick on May 4, 1997. He was visiting his mother at the time. At approximately 10:30 or 11:00 p.m., he left with Robert Jobin, Anne-Marie Hébert and Jeannine Hébert to go to Caraquet. When they approached the fish processing plant, they noticed that the highway was blocked. Lionel Foulem, the driver, drove into the plant parking lot to inquire about the situation. He parked his car and got out. At that moment, three RCMP patrol cars arrived swiftly on the site. The members got out of their cars quickly, grabbed Lionel Foulem on either side and moved him along until his back was up against something. Once they had control of him, he was taken to an RCMP van and his wrists were handcuffed. According to Lionel Foulem, when he attempted to find out why he was being arrested, he was told "shut your fucken mouth!"[291] The member who allegedly said this was not identified. It was only when they reached the Tracadie-Sheila RCMP

---

[291] Lionel Foulem, Appendix 10-Si, p.3.

Detachment and he asked the question for a third time that a police officer informed him that he had been arrested because he was taking part in a riot.[292]

Constable Léonard Thériault of the municipal police drove Mr. Foulem to the Caraquet Police Station. Lionel Foulem was searched and locked up with a few other people at 11:15 p.m.[293] He remained there for approximately half an hour before the handcuffs were removed and he was driven, along with two other detainees, to the Tracadie-Sheila RCMP Detachment. The prisoner logbook for the detachment indicates that Lionel Foulem was placed in a cell at 11:53 p.m.

Although he attempted to explain himself and demonstrate his innocence, Lionel Foulem was searched again at Tracadie-Sheila and placed in a cell again. He was held until his niece, Jeannine Hébert, arrived to have Robert Jobin released, and she insisted that her uncle be released as well. The prisoner logbook indicates that he was released at ten minutes past midnight by Sergeant Lemay without any charges laid against him.

The Prisoner Reports prepared following the arrest of Lionel Foulem do not mention which police officers arrested him. In addition, no police officers prepared reports indicating the role they played in Lionel Foulem's arrest. Although the Commission investigators contacted all the police officers involved in the events, it was impossible to establish which of them had arrested him. Lastly, the *Tactical Operations Manual* directive requiring that plastic handcuffs be assigned and identified as belonging to a police officer was not followed in this instance.

(viii) Robert Jobin

Robert Jobin, a resident of Quebec, was in the vehicle driven by Lionel Foulem. Mr. Jobin was visiting New Brunswick with Lionel Foulem's niece Jeannine Hébert.

He got out of the vehicle at approximately the same time as Lionel Foulem and was therefore outside the vehicle when the police cars arrived in front of the plant. Constable Richard Bernard got out of one of the patrol cars and grabbed Mr. Jobin by the arm to arrest him. The Constable pushed him against a police car until a member of the arrest unit arrived to complete the process of arresting him. Two members participated in Robert Jobin's arrest by helping one of the police officers put the handcuffs on him. He was placed in Corporal Jacquard's patrol car and driven directly to the Tracadie-Sheila RCMP Detachment. The prisoner logbook indicates that he was locked up at 11:25 p.m. by Constable Laurie Losier, and released at 11:55 p.m. by Sergeant Lemay without any charges laid.

Except for Corporal Jacquard, who prepared a very detailed Continuation Report concerning his participation, no other police officer submitted a report in connection with this arrest. The Prisoner Report prepared was incomplete. The directive in the *Tactical Operations Manual* requiring that plastic handcuffs be assigned and identified as belonging to a police officer was not followed in this instance.

---

[292] Lionel Foulem, March 29, 1998, Appendix 10-Si, p. 4.
[293] Thériault, p. 42.

(ix) François Lanteigne

François Lanteigne, who was 70 years old at the time of the events, was also in the parking lot of Roger Foulem's fish processing plant when the police arrived. He was seated in his vehicle with the windows closed, the doors locked and the engine running. When they reached the site, Constables Maillet and Pelletier approached Mr. Lanteigne's vehicle; one of them knocked on one of the car windows and ordered the driver to open the door of the vehicle. The Constables could smell alcohol on François Lanteigne's breath. They arrested him and turned him over to a member of the arrest unit. Mr. Lanteigne was handcuffed. Constable Maillet stated that he also turned off the engine and took the key out of the vehicle. François Lanteigne was placed in Corporal Jacquard's patrol car and driven to the Tracadie-Sheila RCMP Detachment. The prisoner logbook indicates that he was locked up at 11:28 p.m. by Constable Laurie Losier. At 2:22 a.m., he was taken out of his cell so that he could contact a lawyer, and returned to the cell at 2:30 a.m. He was released at 10:05 Monday morning by Constable Danis.

Only Corporal Jacquard submitted a detailed Continuation Report concerning his involvement in arresting Mr. Lanteigne. Constables Maillet and Pelletier prepared no such report. Constable Maillet did write a personal note saying that he and Constable Pelletier had arrested François Lanteigne. The Prisoner Report that was prepared was incomplete. Nothing was mentioned concerning the reasons for the arrest and imprisonment. François Lanteigne was photographed. Once again, the *Tactical Operations Manual* directive requiring that plastic handcuffs be assigned and identified as belonging to a police officer was not followed in this instance.

(x) Christian Noël

Christian Noël was at the site of the demonstration when the police arrived. Christian Noël said that when the police approached, he got into his vehicle to avoid being arrested. However, he did not leave the site. As the RCMP had gone past the second fire and were continuing their advance, Christian Noël began to reverse his car. He thus backed up from the place where he was parked near the fires into the yard of Roger Foulem's fish processing plant.

Shortly afterward, the patrol cars advanced toward the plant. Mr. Noël slowly backed up his vehicle.[294] Corporal Pierre Gardner, a dog handler, came up to the car, hit it with his left hand and ordered the driver to get out. The car was still moving when the dog handler reached the driver's door. The dog handler opened the car door quickly [295] and his dog Branco jumped into the vehicle. The dog hit something and fell to the ground outside the vehicle.[296] The police officer then leaned around the open door, turned off the engine and grabbed the driver to force him outside the vehicle.[297] Meanwhile, his dog got up and had his mouth on the driver's left arm[298] and was pulling him. Christian Noël then told the police officer that he had done nothing and that he was there out of curiosity.

---

[294] Pierre Gardner, Appendix P4, pp. 21 and 30.

[295] Pierre Gardner, Appendix P4, p. 30.

At the same time, Constable Richard Ross arrived and ordered Christian Noël to get out of the vehicle, which he refused to do.[299] The information collected during my investigation does not allow me to find whether or not Mr. Noël, by refusing to get out of his car, was resisting arrest or was simply afraid of the dog. Christian Noël then leaned toward the passenger side to his right. Constable Ross leaned inside the vehicle, and grabbed the driver to force him outside the vehicle.[300] Constable Ross continued to struggle with the driver until he finally succeeded in dragging him out of the car. Then, Constable Alain Tremblay of the RCMP and a member of the Caraquet Municipal Police came to the car to help their fellow officer.[301] The three police officers finally took control of the person and put handcuffs on him.[302] He was placed in the patrol car driven by Constable Jean-Yves Deroy and taken to the Caraquet Municipal Police Station.[303] Constable Rodrigue McGraw was also in this patrol car. Jean Mallet and Paul Albert were already in the car when Christian Noël was placed in it. All three were driven to the Caraquet Municipal Police Station. The Prisoner Report does not mention what time Christian Noël was locked up. Later, he was taken to the Tracadie-Sheila RCMP Detachment by Corporal Pagé and Constable Jacques Giroux[304] and arrived there at 11:53 p.m. When he got to the Tracadie-Sheila RCMP Detachment, he was driven to the local hospital by Constable Plourde so that he could receive medical treatment for his injuries.[305] After the trip to the hospital, Christian Noël returned to the Tracadie-Sheila RCMP Detachment, where he was locked up at 1:50 a.m., again by Constable Plourde. The prisoner logbook indicates that he was released at 9:32 a.m. by Constable Danis without any charges laid against him.

Later, Christian Noël hired a lawyer to take civil action against the police officers involved in his arrest. The Officer in Charge of Criminal Operations, Superintendent Michel Séguin, processed Mr. Noël's allegations as a criminal complaint against the police officers and instituted a criminal investigation. Sergeant Gaétan Germain was assigned as the investigator in the case. In conducting his investigation, Sergeant Germain questioned Christian Noël, who told him that he had been kicked and punched, causing a fracture to the tip of his nose, and that he had bled as a result of a cut to his lips; he had also suffered dog bites. Sergeant Germain was also able to determine the identity of the three RCMP members involved: Constable Ross, Constable Alain Tremblay and Corporal Pierre Gardner.

---

[296] Rodrigue McGraw, p. 12.
[297] Pierre Gardner, Appendix P4, p. 30.
[298] Pierre Gardner, Appendix P4, p. 28.
[299] Statement by Richard Ross, Exhibit 54, p. 51.
[300] Statement by Richard Ross, Exhibit 54, p. 51.
[301] Statement by Alain Tremblay, Exhibit 54, p. 157.
[302] Statement by Alain Tremblay, Exhibit 54, p. 157.
[303] Jean-Yves Deroy, p. 9.
[304] Michel Pagé, p. 34 and Jacques Giroux, p. 25.
[305] Marc Plourde, p. 35.

None of the police officers involved in this arrest submitted reports regarding their participation. Furthermore, the Prisoner Reports that were submitted were largely incomplete.

(xi) Mario Savoie

Mario Savoie, Marc Savoy, Mireille Brideau and Sonia Witzell were at Mario Savoie's home in Évangeline when they decided to go to a restaurant in Caraquet. According to Mario Savoie, it was approximately 10:30 p.m. When they drove along Highway 335 toward Caraquet, no police officers stopped them to direct them to another road. They encountered the demonstrators and the RCMP Special Unit near Roger Foulem's fish processing plant, and decided to make a U-turn and take another road.

While pursuing the demonstrators, the police reached the car in which Mario Savoie was seated and ordered him to get out. The police went up to the driver's door and one of the officers ordered Mario Savoie to roll down the window. After repeating his request, the police officer moved his elbow in a backward motion indicating that he was going to break the window, which convinced Mr. Savoie to roll down the window. The Constable then ordered him to get out of the car, which he did voluntarily. After getting out, he was arrested and handcuffed. Mario Savoie was placed in an RCMP Ford Explorer with and Lionel Foulem and driven to the Caraquet Municipal Police Station where he was locked up at 11:21 p.m.[306]

Mario Savoie was then taken to Tracadie-Sheila in the patrol car of Corporals Pagé and Giroux. The prisoner logbook at the Tracadie-Sheila RCMP Detachment indicates that he was locked up at 11:56 p.m. by Constable Laurie Losier. He was left in the custody of Louis LaPlante, the guard, until he was replaced by the relief guard, Conrad Duguay. He was released at 9:26 a.m. by Constable Danis without any charges laid against him.

Although Prisoner Reports were prepared for Mario Savoie, they were incomplete. Mario Savoie was photographed. Except for Corporals Pagé and Giroux, who drove the person in custody from Caraquet to Tracadie-Sheila, no other police officer submitted a report documenting involvement in the arrest. Furthermore, the *Tactical Operations Manual* directive requiring that plastic handcuffs be assigned and identified as belonging to a police officer was not followed in this instance.

(xii) Marc Savoy

Marc Savoy, of Pokemouche, was with Mario Savoie when they were apprehended in the parking lot of Roger Foulem's plant by unidentified members. His statement is similar to that given by Mario Savoie. After being taken into custody and handcuffed, he was put in Corporal Jacquard's patrol car and driven directly to the Tracadie-Sheila RCMP Detachment. The prisoner logbook indicates that he was placed in a cell at 11:20 p.m. by Constable Laurie Losier. At 2:25 a.m. on May 5, he was taken out of the cell by Constable Fournier so that he could contact a lawyer. He was returned to the cell at 2:41 a.m. without having spoken to anyone. Marc Savoy was eventually released the next day at 9:28 a.m. by Constable Danis without any charges laid against him.

---

[306] Léonard Thériault, p. 42.

The Prisoner Report prepared on him was largely incomplete. First of all, no reason was given for the arrest and there was no description of the offence. There was no indication of which police officers made the arrest, except for Corporal Jacquard, whose role was limited to driving the prisoner from Saint-Simon to Tracadie-Sheila. Also, even though Marc Savoy had been photographed, the police officers involved in the arrest did not prepare any reports documenting their involvement except, once again, Corporal Jacquard. Furthermore, the *Tactical Operations Manual* directive requiring that plastic handcuffs be assigned and identified as belonging to a police officer was not followed in this instance.

(xiii) Antoine Godin

According to Antoine Godin, he was driving to Caraquet when he encountered people running along the highway. He went by the fish processing plant without being stopped by the police. Rather than parking in the yard of the plant, Antoine Godin stopped his car on the other side of the road and backed into someone's driveway. The tactical troop arrived afterwards; it fired a tear gas cartridge close to his car, forcing him to get out of his vehicle. Antoine Godin is an amputee and wears an artificial leg. When he got out of his car, he fell to the ground. He was then seized by two unidentified members of the RCMP and escorted toward a patrol car.

Two constables from the Caraquet Municipal Police force approached the RCMP members and told them that Antoine Godin was not involved in the demonstration. Mr. Godin was then released. Antoine Godin claims that as a result of the incident, he developed a sore knee and needed medical treatment. No police officer filed a report documenting participation in the incident involving Mr. Godin.

(xiv) Géraldine Hébert

According to Géraldine Hébert, she returned home from work on the evening of May 4. When she got home, , and his friend told her that a fire and a demonstration were blocking Highway 335 and that the RCMP Special Unit was in Saint-Simon. The two youths persuaded Géraldine Hébert to drive them to the site so they could see what was going on up close. Around 10:40 p.m., they drove toward Caraquet on Highway 335. When they reached Roger Foulem's fish processing plant, Géraldine Hébert parked her car in the yard of the building. and got out of the car and spoke to the people along the highway. After approximately ten minutes, returned to sit in the car while went out in front of the car to watch. A few moments later, got back into the car to the right of Ms. Hébert.

Géraldine Hébert went on to say that, as she was preparing to leave the site, a number of police officers surrounded her car and ordered the occupants to get out. Géraldine Hébert got out first, and the police officers made her come around the car. Although they ordered her to lie down, Géraldine Hébert, who could see that there was mud everywhere, simply kneeled. She was thus under arrest. Meanwhile, Corporal Maillet arrived on the site and spoke with Ms. Hébert. She told Corporal Maillet that they had come there out of curiosity and had not done anything. Corporal Maillet answered that they had no way of knowing that and Ms. Hébert replied that she understood. Finally, Constable Rodrigue McGraw arrived and informed the police officers present that he knew Géraldine Hébert and she then was released.[307]

No police officer involved in arresting Ms. Hébert and subsequently releasing her submitted a report documenting the incidents involving her.

(xv) ________

was just over at the time of the events. He was The Prisoner Report mentions that he was wearing a red coat and white sneakers.

While one police officer dealt with Géraldine Hébert, another police officer, and his dog, were busy removing from the back seat of Ms. Hébert's car. The police officer went to the right rear door of the vehicle and ordered to get out. Seeing that he hesitated, the police officer opened the door and the dog got part way into the car and bit right arm. then got out of the car. According to , after he got out of the car, another dog bit his right leg. At this point, two police officers, Corporal Jurcina and Constable Perriard took into custody. They pushed him up against the car and tried, with a great deal of difficulty, to put handcuffs on him, but were unsuccessful. continued to resist the police, and in order to get control over him to handcuff him, the police officers forced him to the ground. kept his knees bent under his body.

Constable Mark Janes stated that, seeing the apparent difficulty the two police officers were having in getting the detainee under control, he approached and placed a knee on lower back. He exerted pressure until the person was completely stretched out on the ground. This is more or less consistent with the statement given by Corporal Jurcina.[308] was eventually subdued and his hands were bound. Corporal Gilles Maillet stated that he too was in the area and saw a black German shepherd bite a young man; to use his own words, the dog "was nipping, not biting and holding". In the pictures that were taken and used in the media, a man matching description appears: he can be seen stretched out on the ground with a police officer helping him get up.

---

[307] Rodrigue McGraw, p. 33.

[308] John Jurcina, pp. 18-9.

said that when he was on the ground, the police put pressure on his back and, when he attempted to get up, he received two baton blows on the back of his head.[309] This version of events was not confirmed by any of the police officers involved in his arrest. The Constables then put him into an RCMP Ford Explorer with Lionel Foulem and Mario Savoie. The driver of the vehicle was Constable Léonard Thériault of the Caraquet Municipal Police force.[310] was placed in a cell at the Caraquet Municipal Police Station at 11:03 p.m.[311]

For his part, Constable Jean-Yves Deroy drove three prisoners from Saint-Simon to Caraquet. Two of them had been bitten by dogs and the other's nose was bleeding. Constable Deroy, although he drove right past the Caraquet Hospital, decided to go straight to the Caraquet Municipal Police Station without stopping at the hospital.

Constable McGraw of the Caraquet Municipal Police force stated that once he had reached the municipal police station, one of the prisoners spoke to him and showed him the dog bite, which was turning "purple." He informed Constable Deroy of this. Constable Deroy then contacted Sergeant Lajoie to ask him for permission to take the injured persons to hospital. As the police were preparing to drive the injured persons to the Caraquet hospital, Sergeant Lajoie told them to go to Tracadie-Sheila.[312]

After being released and getting home, Géraldine Hébert contacted father, to tell him what had happened.[313] It was approximately 11:30 p.m. When he contacted the Caraquet Detachment, Mr. learned that his son had been driven to the Tracadie-Sheila hospital for medical treatment. and his wife went to the Tracadie-Sheila hospital. They located their son when they got there. According to 's mother, Ms. , [TRANSLATION] " was covered in mud from head to toe."[314] was then released from the detachment without any charges laid against him. My investigation established that had two wounds of approximately 0.5 cm each. His right arm was bandaged and he was discharged at ten past midnight.

None of the police officers who dealt with prepared reports. Furthermore, even though said that he had been bitten by two different dogs, no dog handler submitted a report and it was impossible to identify which dog handlers were involved in the events.

---

[309] , Appendix 7-Si, p. 2.

[310] Léonard Thériault, p. 26.

[311] Léonard Thériault, p. 40.

[312] Rodrigue McGraw, Appendix P20, pp. 23 & 26.

[313] See also , Appendix , p. 1.

[314] Appendix p. 2.

(xvi) ____________

According to as he was being arrested he was subjected to treatment similar to that received by and was also bitten by two dogs. After he arrived at the plant with Géraldine Hébert and , he got out of the car to watch what was happening and to speak with Clarence Mallet, who lived next door to the plant. He returned to the vehicle and sat on the front seat on the passenger side. Shortly thereafter, an unidentified police officer came to the door and ordered him out. According to Mr. , the police officer grabbed him by the thorax and forced him out of the vehicle. He was barely out of the car when the dog bit him on the right calf. According to Sergeant Lajoie, in a letter dealing with a complaint, it was Corporal Chenel who arrested However, the documentation obtained was not sufficient to establish this with any certitude. In reaction to the bite, turned around and, as he did, the dog then bit him again on the left knee. added that he also suffered a large scratch on the back. A photograph published on page of Issue No. of magazine, shows with a large bandage on the right side of his back.

Following his arrest, was placed in Corporal Wayne Jacquard's patrol car with Marc Savoy, Robert Jobin and François Lanteigne, and was taken along with all the others directly to the Tracadie-Sheila Detachment rather than to Caraquet. The prisoner logbook indicates that was placed in a cell at 11:19 p.m. by Constable Laurie Losier. not given any medical treatment for the injuries inflicted by the dog. It was only after Ms. Hébert insisted he be given appropriate medical treatment that Sergeant Charles Lemay drove him to the hospital for treatment. The prisoner logbook indicates that he was released by Sergeant Lemay at ten past midnight.

The results of my investigation show that had open wounds on his left knee and right calf, as well as a 12 cm swollen scratch across his back to his right armpit, and that he had been bandaged. was released at 1:20 a.m. into the care of left without any charges laid against him.

A Prisoner Report was prepared, but the report does not mention which police officers were involved in his arrest, except for Corporal Jacquard, who drove him from Saint-Simon to Tracadie-Sheila. Although says that he was bitten by two different dogs, no dog handler prepared a report indicating that his dog was involved. It is impossible to identify the police officers who arrested The *Tactical Operations Manual* directive requiring that plastic handcuffs be assigned and identified as belonging to a police officer was not followed in this instance.

3. Anonymity of Police Officers

The Major Crimes Unit in Bathurst received an order on May 4, 1997 to help police officers identify demonstrators in Saint-Sauveur. Investigator Andréanne Boutet was sent to the site. Following the police intervention in Saint-Simon, she was also asked to investigate these events. She quickly determined that it would be impossible for her to identify the police officers involved in most of the arrests.

In the statement that he gave to the Commission investigators, Sergeant Lajoie explained the role of the police officer in an arrest as follows:

> [TRANSLATION]
> ...the procedure is clear and we believe that our police officers know what it is. When you make an arrest, you identify yourself as the arresting police officer. You write your notes and then continue or hand the person over to be escorted. So, you identify to whom you gave him to be escorted and then you make the – ... – you return and then you identify yourself: "I am the arresting police officer". The name of the police officer making the arrest is to be entered on Form C-13.
>
> If you need help to do it, that is the time when you are responsible for saying, well, who was with you. Who helped you – make the arrest.[315]

Then, Sergeant Lajoie continued his explanations as follows:

> [TRANSLATION]
> In this case, there were certain problems because some police officers, individuals, did not do that. Okay?
>
> ...
>
> ...Did not submit documentation. Either they were just there as observers of the arrest, which was okay – they just lent a hand to restrain the person, etc.
>
> In some instances, they themselves decided that the level of involvement was less and that – that made a number of identifications like that more difficult for us.
>
> Before, I am speaking about the 70s, members of the troop were all identified because each helmet was numbered. For some reason, over time, the numbers were taken off because names were no longer to be visible, that is – that people could identify who a certain police officer was because of – either retaliation: "look he's in the tactical troop", or something like that.
>
> I'm not exactly sure about the details, but I know that it was mentioned at a certain point: how can it be that we can't identify someone?
>
> And the reason I was given was that the actions of the troop needed to be justified by the troop commander. It's him who justifies the actions of the troop.[316]

Shortly after the weekend of May 2 to 4, 1997, Sergeant Lajoie asked all the police officers who were at the events in question to prepare Continuation Reports.

In his first e-mail, he wrote:

> [TRANSLATION]
> ...I am asking all those who worked as part of the troop setting up roadblocks, patrols, or making arrests, to send me a 1624 with details, and to send it to me ASAP...

---

[315] Bernard Lajoie, Appendix P3, pp. 215-6.
[316] Bernard Lajoie, Appendix P3, pp. 216-7.

There was a negligible response to this message, which led him to send a second message, in which he said:

> [TRANSLATION]
> ...to all members who were involved in patrols, arrests, and roadblocks, I must request a 1624 with a brief description of your involvement, if your involvement was an arrest, please provide details... everything will be placed on file.
>
> ...Please send me your 1624s to my attention as quickly as possible.

The copies of the e-mails given to the Commission were not dated. However, these e-mails were likely sent in the days following the events from May 2 to 4, 1997. Only a few police officers submitted reports.

Because of the possibility of an investigation into the circumstances surrounding the police intervention in Saint-Sauveur and Saint-Simon on May 2, 3 and 4, 1997, Sergeant Lajoie sent a third e-mail dated February 13, 1998, to all police officers who were involved asking them to submit reports. Here is what he said:

> [TRANSLATION]
> I need your assistance in collecting all possible data in this matter; it involves not only the riots but everything that happened during the previous weeks, such as negotiations, blocking of the highway.... If you made arrests, set up roadblocks, acted as escorts, anything, please check your notes and send me detailed 1624s... This is very important... You may have to testify... Send your 1624s on your actions in detail ASAP... I cannot be clearer...

The effect was once again minimal.

The police officers who submitted reports to the RCMP following the interventions of May 2 to 4, 1997 were Sergeants Lajoie, Potvin and Seiffert, Corporals Fauteux, Jacquard, Pagé, St-Amand and Willson, and Constables Arseneau, Babineau, Boisvert, Bourdage, Danis, Deroy, Déry, Dupéré, Lamarre, Martin, Messier, Paradis, Plourde, Saindon, Sylvain, Thibault and Tremblay. A general incident report was also prepared by Sergeant Roger Somers on May 7, 1997, on behalf of the Emergency Response Team. A few other police officers answered Investigator Boutet's questions by e-mail, but no formal reports were submitted.

Superintendent Michel Séguin, the officer in charge of Criminal Operations, was also concerned by this situation. As it happens, he went to the Tracadie-Sheila RCMP Detachment on May 30, 1997, where he discussed matters with several police officers who had been involved in the events, primarily the officers in charge of the various teams. One of the concerns discussed at the meeting was the confusion that followed the arrests of demonstrators and onlookers in the parking lot of Roger Foulem's fish processing plant in Saint-Simon.[317] He also stated that some measures were taken to attempt to remedy the shortcomings that occurred following the events in question, but no information submitted to the Commission indicates that these measures were in fact implemented.

---

[317] Michel Séguin, pp. 53.5.

Furthermore, a Prisoner Report, commonly referred to as Form C-13, is to be completed for each person arrested. The information to be included on the form consists of the address of the person arrested, the identity of the police officer(s) who made the arrest, the reasons for the arrest and the applicable legislative provisions. This is an important procedure, because it ensures that the prisoner's rights are respected and contributes to ensuring transparency in the justice system. Concerning the events of Saint-Sauveur and Saint-Simon, the C-13 forms that were prepared had major gaps: information was often incomplete or missing entirely.

It should also be added that four dog handlers were involved in the Saint-Simon intervention. Three of the four dogs handled by these officers had physical contact with the demonstrators. The only report submitted further to the events was the one by the dog handler whose dog had no contact with anyone.

The evidence gathered by the Commission confirms that people were bitten by dogs; some even required medical treatment. It is still impossible to identify which dog or dogs bit which demonstrators. No reports were submitted and the situation can only be described as deplorable.

As the officer in charge of Tactical Operations, Inspector Tremblay had an obligation not only to request, but to demand the preparation of appropriate reports.

To make it possible to identify the police officers who made arrests, the RCMP *Tactical Operations Manual* sets out a number of requirements. First of all, officers who make an arrest are required to introduce themselves to a member of the identification unit and have a photograph or video image taken with their prisoner. Subsection K.1.b. of Chapter 4 of the *Tactical Operations Manual* states:

> Prisoners must be taken to the rear of the troop immediately and handed over to the processing team.
>
> 1. When possible, a photograph of the prisoner is to be taken, showing any evidence and the arresting officer.

This practice was not followed either at Saint-Sauveur or Saint-Simon. No photographs of prisoners accompanied by one or more officers who arrested them were taken.

Secondly, the *Tactical Operations Manual* that was in effect at the time of the events in Saint-Sauveur and Saint-Simon discusses the use of plastic handcuffs. In Chapter 4, entitled "Troop Tactics and Formations" section K.1.a. states the following:

> For court purposes, arrest-team members must be linked to the prisoners they arrest and to any related evidence.

1. **The linkage is provided by numbering the plastic handcuffs and recording the name of the member they are assigned to.**

In the events in question, handcuffs were not assigned or identified as belonging to a specific member, and when the persons in custody were placed in their cells, the handcuffs were simply removed and thrown away. Such failure to comply with policy is deplorable, particularly as it made it impossible to identify all of the police officers involved in the arrests.

I further note that 16 persons were arrested during the May 4, 1997 demonstration in Saint-Simon. Based on the information collected during my investigation, I observe that only one person was informed of the reason for his arrest, and this after he had asked for it three times and was already at the police detachment. I also note that, in the vast majority of cases, those arrested were not informed of their right to counsel. Also, no one arrested in Saint-Simon on May 4, 1997 was ever charged.

IX. THE ROLE OF GOVERNMENT AUTHORITIES

One of the major concerns of the complainants was that they wanted to know who gave the order to intervene in Saint-Sauveur and Saint-Simon. Many of the complainants firmly believe that the New Brunswick government representatives at the time and Royal Canadian Mounted Police management, decided jointly to call in the RCMP Special Unit. In support of their conclusion, the complainants referred to the decision made by then Education Minister James Lockyer to postpone the 25th of April meeting that was to be held with members of the La Découverte Save-Our-School Committee to May 2, 1997.

The evidence obtained clearly shows that the RCMP management was not involved in any way in the decision-making process with respect to closing the schools. This was a matter of provincial jurisdiction solely under the authority of the Department of Education.

The evidence also shows that RCMP management acted as mediators on two occasions, (April 4 and April 18, 1997) to keep dialogue open between the provincial authorities and the parents' representatives. The RCMP was pro-active in its attempts to defuse the crisis and in its attempts to get the parties to agree to a negotiated solution.

The fact that there were regular discussions between provincial representatives and RCMP management is to be expected. It is worth recalling that the RCMP in New Brunswick is contracted by the province to provide police services. It is therefore appropriate that the government authorities be informed of the services that this police force provides to its citizens. Article 4 of the "Provincial Police Services Agreement"[318] between New Brunswick and the federal government provides useful information about this matter:

> Article 4.0 The commanding officer and the operation of the Division
>
> 4.1 For the purpose of this Agreement, the Commanding Officer shall act under the direction of the Minister in aiding the administration of justice in the Province and in carrying into effect the laws in force therein.
>
> 4.2 The Commanding Officer shall:
>
> a) implement the objectives, priorities and goals as determined by the Minister under sub article 3.3, including, to the extent practicable, the deployment of the Provincial Police Service personnel and equipment to reflect provincial priorities;
>
> b) consult with the Minister on a regular basis to provide information pertaining to the operational and administrative status of the Provincial Police Services, such consultation shall occur as and when required but in no case on less than a quarterly basis and, with respect to the financial reporting required by paragraph 15.1(f), on a monthly basis;

---

[318] Exhibit 64.

c) provide the Minister with an annual report, by July 1 of each year, on the status of the implementation of the Province's objectives, priorities and goals of policing within the Province during the previous Fiscal Year;

d) in a reasonable and timely way, provide the Minister or the Attorney General with any information that comes into the possession of any Member employed in the Province and which affects the administration of justice in the Province. The information shall be provided in a manner and in a form to be agreed upon by the Commanding Officer and the Minister or Attorney General; and

e) provide the Minister each month with the particulars of any new or outstanding complaints made against the Service by any member of the public to the Force. The form and substance of the particulars shall be agreed upon by the Commanding Officer and the Minister.

On May 1, 1997, Staff Sergeant Castonguay became aware of the Minister of Education's final decision. The evidence clearly shows that it was Staff Sergeant Castonguay, in consultation with Superintendent Séguin, who made the decision to mobilize the RCMP Special Unit. The reasons for this decision are discussed in Chapter V of this report.

Lastly, the decisions to deploy the RCMP Special Unit, on May 2, 1997 in Saint-Sauveur and on May 4 in Saint-Simon, were also police decisions. There is no evidence to indicate that the Minister of Education or any other provincial government representative played a direct role in these decisions to call in the special unit. When asked about what influence members of the government may have had on the decision to send the RCMP Special Unit to the site on May 2 and 4 1997, Staff Sergeant Charles Castonguay said categorically that it was the unlawful behaviour of the demonstrators that made the decision necessary, not pressure of any kind by a minister or any other representative of the provincial government.[319] Chief Superintendent Séguin also broached the topic when he explained the obligations that stem from the police services contract mentioned above.

> I guess one of the things that – as part of my role, my job is to keep Police Services informed of issues that the Minister should know about.
>
> [...]
>
> It's that we are responsible for police operations and do not take any direction in regards to operations.
>
> So our role is simply to inform Police Services so that – or – or the Minister directly if necessary of what's taking place strictly for the Minister's information.
>
> So there was never – and I want to make it very clear – never any – any direction from Government as to the deployment of the troop. That is an operational decision and it was taken strictly here at "J" Division, based on the information we had at the time.[320]

Tension in the communities of Saint-Sauveur and Saint-Simon was at its highest following the events of May 2 and 4 1997. Not only had the people of these communities lost their schools, they were shaken by the police intervention. Following the negotiations held on May 4 in Saint-

---

[319] Charles Castonguay, Appendix P2, p. 130.

[320] Michel Séguin, Appendix P85, pp. 25-6.

Sauveur, Staff Sergeant Castonguay and the parents' representatives succeeded in taking stock of the situation and restoring some degree of dialogue.

In the year following the events in Saint-Sauveur and Saint-Simon, the parents' representatives and certain community agencies asked the Government of New Brunswick to conduct a public inquiry into the events that led to the intervention by the RCMP Special Units.

X. SOME CRIMINAL AND CONSTITUTIONAL CONSIDERATIONS

Police intervention in the demonstrations of May 2 and 4, 1997 was motivated by the need to keep public highways open to traffic. The criminal law relating to mischief and the constitutional law conferring basic rights and freedoms on all Canadians are relevant to this intervention.

1. Mischief and Related Criminal Law

RCMP management relied on paragraph 430(1)(c) of the *Criminal Code of Canada*[321] in deciding to end the obstruction of traffic by demonstrators in both Saint-Sauveur and Saint-Simon:

> 430. (1) Every one commits mischief who wilfully
> [...]
> *c)* obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property[.]

This offence is punishable by a penalty contemplated in subsection 430(4):

> Every one who commits mischief in relation to property, other than property described in subsection (3),
>
> *a)* is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
> *b)* is guilty of an offence punishable on summary conviction.

As New Brunswick Provincial Court Judge Harper noted in *R. v. Colford*,[322] a case arising out of a demonstration that was quite similar to the events under review:

> "[The] right of free passage for all in order to permit overland travel from one point to another was considered so vital to the peace order and good government of Canada that a special section of the Criminal Code was enacted to safeguard it."[323]

After citing paragraph 430(1)(c), he continued:

> "Thus it is, that any person who wilfully…blocked the highway…is guilty of a criminal offence."[324]

---

[321] R.S.C. 1985, c.C-46.
[322] (1993), 140 N.B.R. (2d) 161 (C.P.)
[323] Ibid. pp. 175 to 176.
[324] Ibid.

The *Criminal Code* also grants peace officers the power to make arrests and, where necessary, use appropriate force, when so doing. The relevant provisions follow:

> 25. (1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law:
> […]
> *b*) as a peace officer or public officer,
> […]
> is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.
>
> 26. Every one who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.
>
> 27. Every one is justified in using as much force as is reasonably necessary
> (a) to prevent the commission of an offence
> i) for which, if it were committed, the person who committed it might be arrested without warrant, and
> ii) that would be likely to cause immediate and serious injury to the person or property of anyone; or
> (b) to prevent anything being done that, on reasonable grounds, he believes would, if it were done, be an offence mentioned in paragraph (a).

In assessing the actions of both the police and the demonstrators, I have found the reasoning of Provincial Court Judge Harper in the *Colford* case helpful. In that case, the New Brunswick government introduced legislation that resulted in Aboriginals in the province being subjected to sales tax. Aboriginal protesters erected roadblocks in various locations around the province. Ultimately, the Attorney General directed the RCMP to open the highways. Judge Harper described the events as follows:

> [3] Accordingly, two helicopters, two borrowed police vans, one bus containing a 32 member tactical squad; (equipped with radios, coveralls, shields, batons and vests); 44 uniformed officers from various detachments across the province; two identification specialists; and approximately 30 marked "blue and white" RCMP vehicles were assembled and proceeded to Kingsclear which is approximately nine miles west of Fredericton on the Trans-Canada highway.
>
> [4] Prior to their departure from Fredericton detachment office; (which is in a very modern building which also houses the provincial headquarters of "J" Division); the personnel on the ground were briefed by Superintendent Wayne Wawryk. He instructed them that they were to proceed in convoy to the site in question. Upon arrival, he would speak with Chief Steve Sacobie, Chief of the Kingsclear Band of Indians, and if the barricade was not removed, he would arrest the chief and this would be the signal for the remainder of the force to press forward and to arrest any one found upon the roadway, but not to arrest any one off to the side of the road or in the ditch. They were to use whatever force was required. By the same token they were instructed not to chase any one and to permit those who would try to leave voluntarily to do so. The superintendent and Staff Sergeant Ouellette were to advance first, followed by the uniformed officers spread shoulder to shoulder horizontally across the

> travelled portion of the roadway in two lines, one behind the other. The tactical squad would remain in the rear until later.
>
> [5] All went according to plan. The convoy stopped east of the blockade; the uniformed officers formed up, and the superintendent and staff sgt walked together in advance of the rest. At the same time Chief Sacobie approached them from the vicinity of the barricade and shook hands with the staff Sgt. The superintendent speaking loudly, told Sacobie he had been blocking the road; someone to the side said something and Wawryk immediately placed Sacobie under arrest. No means of voice amplification was used and it is not clear who among the crowd may have heard what Supt. Wawryk said. The chief was arrested very shortly after the announcement and the uniformed men advanced and arrested 28 or 29 persons in all.
>
> [6] In accordance with the plan, each officer decided individually whether or not to arrest a particular person and when he did he merely told the person he was arresting "you are under arrest for mischief" and did not further attempt to read from any *Charter* warning or other card. The arrested persons were then taken back to the vicinity of the vans where they were photographed by polaroid cameras with their arresting officers and then either placed in one of the vans or in a marked police car for transport to Fredericton detachment for processing. When the police arrived at Kingsclear the barricades consisted of wooden sawhorse type obstacles; together with a school bus, assorted other vehicles and numerous private cars. There was a crowd present which was amorphous and highly fluid as the R.C.M.P. convoy drew near. People were continuously coming and going from the eastern barricade as events progressed.
>
> [7] There were approximately 25-40 people at or near that obstacle when the superintendent spoke with the chief. Some 20-40 feet beyond and to the west there was a ceremonial drum set up in the center of the road and a group of persons gathered in a circle were near it beating the drum and chanting. Some considerable distance to the west of those groups a tractor and flatbed trailers were placed at an angle across the highway so as to block it, and there were 10-20 people around it at the time the first arrests were made. These persons later dispersed before the officers on foot reached that point. No one saw any person enter the flatbed which was driven away as the officers approached. On the instructions of Supt. Wawryk the vehicle was chased by an R.C.M.P. car and the driver arrested.
>
> [8] No weapons, sticks, stones, or any other implements were either brandished or found in the possession of the demonstrators. No one resisted arrest; (although some made menacing gestures at first as the police approached); and the entire protest was extremely peaceful. According to plan, the officers first cleared the roadway of demonstrators and then removed the physical barriers. The entire arresting procedure took approximately five to 10 minutes, and following this the barricades were removed and the prisoners and uniformed officers returned to Fredericton where those arrested were processed. The tactical squad remained and moved in to secure the highway.

In these circumstances, Harper Pro. Ct. J. had to decide whether the individuals charged were guilty of mischief. His Reasons for Judgment continued:

> [20] The law relating to mischief committed by way of obstruction of a highway is thus clear. Having said that, the court must now consider the practical application of the above general statements of the law to the facts that appertain to the instant case. How does one conclude beyond a reasonable doubt, that any one particular person was personally involved in the blockade of the highway to such an extent that he or she wilfully became a principal; an accomplice; or a party to the blockade of the highway, by way of aiding or abetting that incident and thus guilty of the offence charged?

> [21] Under the present facts I have no doubt that there was much confusion at or near the site of the blockade at the time that the arrests were effected. The crowd was waxing and waning as people came and went. Young persons were present both alone and with their parents or parent. Many persons were on that paved portion of the roadway utilized for the general passage of vehicular traffic; others were on the paved shoulders and still others in the adjacent ditches with many in the course of travel from ditch to roadway and vice versa.
>
> [22] It will probably never be known exactly who it was who committed the physical acts of placing the sawhorses and other wooden obstacles on the roadway. Some of these persons may have been active participants in the blockade at one time or another, but at the time of the arrival of the police were "off duty" and thus either absent from the site or on the shoulder, in the ditch or elsewhere in a position to watch the action yet not at that time being active participants. There is also a very strong probability that many of those who were present were curious as to what was going to happen and anxious to see what occurred yet not having any active desire to participate in any meaningful way. How then, to separate the criminals from the curious?
>
> [23] I think that it is safe to say that one of the criteria mentioned by Superintendent Wawryk in his briefing to the police before the convoy departed for Kingsclear is worthy of note to use as a basic guideline. The court must assume that those persons who were not directly on the paved roadway as well as those who attempted to leave the site as soon as the police began making arrests must be given the benefit of the doubt and not considered as persons liable to be convicted.
>
> [24] True it may well be that many of those individuals had been active participants to the crime prior to the time that the police began arresting any one, but the fact remains that the court is not in a position to adjudicate upon their prior motivation, as any conviction must be based upon solid evidence existing at and immediately after the order to commence arrests was given. There is also no doubt in my mind that the evidence against each accused must be weighed individually, in accordance with the facts adduced by each arresting officer in turn.
>
> [25] It cannot be over-emphasized that the blockade in question was (generally speaking), a very peaceful demonstration. There were no weapons seen in the possession of any of those who were present, nor was there any threat of using weapons. From the evidence adduced before me not a blow was struck, although more than one person initially faced up to the police in a "threatening manner". This proved to be mere bravado, however, and as soon as the arrests were effected all submitted peacefully and were very co-operative thereafter. That did not make the events legal. This court wishes to make if very clear to all, that any mode or manner of civil disobedience which results in a violation of the Criminal Code is an offence against the law of the land, and renders any party wilfully contributing to its commission liable to punishment.[325]

Harper Pro. Ct. J. noted the failure of Superintendent Wawryk, to use a loudspeaker to warn the demonstrators:

> [35] There is no doubt in my mind that the court's duty would have been made much simpler had Superintendent Wawryk utilized one of the electronic public address loud speakers with which all marked police cars are equipped when first he addressed the crowd. Then the

---

[325] Ibid. pp. 176-8.

> evidence would have been very clear as to whether or not those near him heard his warning. As the record stands it is very dubious as to whether or not any person there heard what he said apart from Chief Sacobie and those very close to where the chief was.
>
> [36] In any event, the evidence indicates that there was very little (if any) opportunity for the crowd to dissipate during the very short time frame between the arrival of the police, the statement of Wawryk and the first arrest. As to what effect a loud warning may have had one can only speculate. In any event, I have adopted the position that the obstruction was a fait accompli well before the arrival of the police and that they could have quite legally commenced arresting those involved without any warning whatsoever.[326]

As a result of my investigation, I have no hesitation in concluding that some demonstrators, at some point in time, were committing mischief by obstructing traffic on a public highway.

In limiting my finding to "some demonstrators" whom I am unable to identify, I am expressly indicating that the evidence does not lead me to conclude that every demonstrator was engaged in committing mischief.

Similarly, I have no hesitation in concluding that RCMP management was authorized by the terms of the *Criminal Code* to make the decision to end the obstruction of traffic by demonstrators in both Saint-Sauveur and Saint-Simon.

2. Constitutional Considerations

As previously indicated, the constitutional guarantees contained in the *Canadian Charter of Rights and Freedoms* are relevant to my assessment of the conduct of the RCMP members involved in the events at Saint-Sauveur and Saint-Simon on the weekend of May 2 to 4, 1997. I note that a total of 76 complainants (75 of whom signed the petition summarized in Appendix "A") allege, in a general way, that the conduct of the RCMP during the events under review amounted to an infringement of constitutional rights.

A) Freedom of Expression : Paragraph 2(b) of the *Charter*

> "Everyone has the following fundamental freedoms:
> … (b) freedom of thought, belief, opinion and expression…."

In *Irwin Toy Ltd. v. Quebec (Attorney General),*[327] McIntyre J. stated that "freedom of expression has long been recognized in Canada as a principle of fundamental importance and even before the adoption of the *Charter*, the courts of this country had elevated the principle to virtual constitutional status."[328]

---

[326] Ibid. pp. 84-5.
[327] [1989]1 S.C.R. 927
[328] Ibid. p. 1007.

"Expression" is not limited to the use of words. In *Irwin Toy*, the majority of the Supreme Court of Canada said:

> "Expression" has both a content and a form, and the two can be inextricably connected.[329] Activity is expressive if it attempts to convey meaning. [330]
>
> Indeed, if the activity conveys or attempts to convey a meaning, it has expressive content and *prima facie* falls within the scope of the guarantee. [331]

Not every form of expression is entitled to the constitutional protection afforded by paragraph 2(b) of the *Charter*; clearly, for example, violence is not a protected form of expression.[332]

The Supreme Court of Canada has said that freedom of expression seeks to promote three elements: 1) seeking and attaining the truth, 2) participation in social and political decision-making, and 3) individual self-fulfilment for all members of society.[333] When a party demonstrates that its activity satisfies one of these criteria, the activity must be regarded as a protected form of expression.

Based on the cases referred to above, I find that a demonstration, being a "public meeting, march etc., for a political or moral purpose"[334] is, *prima facie*, a protected form of expression. According to the analysis developed by the Supreme Court of Canada, the next question to be addressed is whether the RCMP activity in issue, in this case the decision to end obstruction of the highway and the implementation of that decision, restricted the demonstrators' freedom of expression. In *Irwin Toy*, it was held that "...where the government aims to control only the physical consequences of certain human activity, regardless of the meaning being conveyed, its purpose is not to control expression." [335]

However, even when analysis shows that the purpose of the RCMP activity was not to restrict freedom of expression, the effects of the RCMP activity must be examined to determine if there was a violation of that freedom.

Finally, if it is established that either the purpose or effect of the RCMP activity violates the freedom of expression, the Crown bears the burden of proving that the restriction on the freedom of expression is reasonable and demonstrably justifiable in a free and democratic society.

---

[329] Ibid. p. 968.
[330] Ibid. p. 969.
[331] Ibid. p. 969.
[332] Ibid. p. 9740.
[333] See *Irwin Toy, ibid.* p. 976 and *Ford* v. *Quebec (Attorney General)*, [1988] 2 S.C.R. 712 p. 765.
[334] R.E. Allen, ed., "The Concise Oxford Dictionary" (Oxford: Clarendon Press, 1992).
[335] *Irwin Toy*, supra note 8 to p. 974.

In the events under review, the demonstrations expressing discontent with the government decision to close the schools took place, at least in part, on public highways and had the effect of obstructing those highways. In *Committee for the Commonwealth of Canada* v. *Canada*,[336] the Supreme Court of Canada was called upon to consider the propriety of use of public property as a platform for expression. In general terms, it was held there that the interests of the State, representing the public at large, had to be balanced against the interests of the citizens exercising their freedom of expression. A majority of the judges agreed that such a balancing of interest was necessary but were divided three against three on the precise approach to be taken.

Lamer C.J., speaking for Sopinka J. and Cory J. made the following observation:

> "For example, if a person tried to picket in the middle of a busy highway or to set up barricades on a bridge, it might well be concluded that such a form of expression in such a place is incompatible with the principal function of the place, which is to provide for the smooth flow of automobile traffic. In such a case, it could not be concluded that freedom of expression had been restricted if a government representative obliged the picketer to express himself elsewhere.[337]

I find that the RCMP decision to end the obstruction of public highways was not inconsistent with the freedom of expression protected by the *Charter*. However, I find that the conduct of some members involved in implementing this decision was, in some measure, inconsistent with the freedom of expression protected by the *Charter*. In limiting my finding to "some members" whom I am unable to identify, I am expressly indicating that the evidence does not lead me to conclude that every member of the RCMP who participated in the events conducted themselves in a manner inconsistent with the freedom of expression protected by the *Charter*.

B) Freedom of Peaceful Assembly: Paragraph 2(c) of the *Charter*

> "Everyone has the following fundamental freedoms:
> ... (c) freedom of peaceful assembly...."

The freedom of peaceful assembly is generally considered to be a variant on freedom of expression.[338] The freedom of peaceful assembly is designed to protect a specific method of expression, i.e. group expression. However, freedom of peaceful assembly, like freedom of association (paragraph 2(d)), does not give individuals the right to do as a group what they are prohibited from doing individually. "People, by merely combining together, cannot create an entity which has greater constitutional rights and freedoms than they, as individuals, possess."[339]

---

[336] [1991] 1 S.C.R. 139.

[337] Ibid. pp. 157 to 158.

[338] K. Norman, "Freedom of Peaceful Assembly and Freedom of Association" in G.-A. Beaudoin & E.P. Mendes, dir., Charte canadienne des droits et libertés, 3rd edition, (Montreal: Wilson & Lafleur, 1996), pp. 297 to 300; and M.R. MacGuigan, "Hate Control and Freedom of Assembly" (1966) 31 Sask. Bar. Rev. 32. See also R. v Lewis (1996), 24 B.C.L.R. (3d) pp. 247 to 273 (C.S. B.C.) and Ontario (A.G.) v Dieleman (1994), 20 O.R. (3d) pp. 229 to 329 (G.D.).

Arguably, citizens can make use of highways and public parks to express themselves on "matters of public interest". However, that right is not absolute: it must be "exercised in subordination to the general comfort and convenience, and in consonance with peace and good order."[340]

Again, I find that the RCMP decision to end the obstruction of public highways was not inconsistent with the freedom of peaceful assembly protected by the *Charter*. Again, I also find that the conduct of some members involved in implementing this decision was, in some measure, inconsistent with the freedom of peaceful assembly protected by the *Charter*. In limiting my finding to "some members" whom I am unable to identify, I am again expressly indicating that the evidence does not lead me to conclude that every member of the RCMP who participated in the events conducted themselves in a manner inconsistent with the freedom of peaceful assembly protected by the *Charter*.

C) Right to Security of the Person : Section 7 of the *Charter*

> "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

The Supreme Court of Canada has recognized "that security of the person...must encompass freedom from the threat of physical punishment...."[341] [emphasis added] Accordingly, this constitutional protection extends to "...both the physical and psychological integrity of the individual". A threat alone can constitute an infringement of an individual's right to security of the person.

If the conduct of a police officer leads an individual to believe that physical punishment or suffering is imminent, that individual's right to security of the person has been infringed unless the conduct can be justified by reference to the "principles of fundamental justice." Therefore, a police officer who uses a dog to make an arrest must ensure that there are reasonable grounds for the force deployed so that the individual does not feel unjustly threatened by the presence of the dog.

Again, I find that the conduct of some members involved in the events of May 2 to 4, 1997 at Saint-Sauveur and Saint-Simon was, in some measure, inconsistent with the right to security of the person protected by the *Charter*. In limiting my finding to "some members" whom I am unable to identify, I am again expressly indicating that the evidence does not lead me to conclude that every member of the RCMP who participated in the events conducted themselves in a manner inconsistent with the right to security of the person protected by the *Charter*.

---

[339] Re: Public Service Employee Relations Act (A16.), [1987] 1 S.C.R. pp. 313 to 397.

[340] *Committee for the Commonwealth*, supra note pp. 16 to 155, quoting from the U.S. Supreme Court in *Hague v. Committee for Industrial Organisation.*

[341] *R. v. Morgentaler*, [1988] 1 S.C.R. pp. 30 to 162 (Wilson). See also *Sing v. Minister of Employment and Immigration, [1985]* 1 S.C.R. pp. 177 to 207 (Wilson).

D) Unreasonable Search and Seizure: Section 8 of the *Charter*

"Everyone has the right to be secure against unreasonable search and seizure."

In general terms, this right is based upon an individual's "reasonable expectation of privacy"[342] in the "… circumstances of the particular case".[343] The place of search is a key factor in determining the reasonable expectation of privacy. In this respect, the only complaints under consideration involve allegations of improper or unjustified searches of vehicles at roadblocks or checkpoints.

A police officer can, without cause, compel the driver of a vehicle to produce a driver's licence and evidence of insurance coverage. The Supreme Court of Canada has held that this does not constitute an unreasonable search within the meaning of section 8 of the *Charter* because there is no intrusion on a reasonable expectation of privacy. (Cf. Hunter v. Southam Inc., [1984] 2 R.C.S. 145).[344]

A reasonable individual would expect to be required to produce for inspection documents that provide evidence of a right or a privilege.

However, a further search of the vehicle may intrude upon a reasonable expectation of privacy and, therefore, infringe this constitutional right if the police officer conducting the search does not have reasonable and probable grounds to believe that a crime has been committed, is being committed or is about to be committed.

Some complaints received by the Commission allege, in a general way, that, throughout the course of the weekend under review, members of the RCMP conducted vehicle searches without cause. On the basis of the information revealed by my investigation, I cannot find that members of the RCMP conducted searches that infringed the right to be free from unreasonable search.

---

[342] *R. v. Edwards*, [1996] 1 S.C.R. pp. 128 to 139.
[343] Ibid p. 140.
[344] Cf. Hufsky, [1988] 1 R.C.S. pp. 621 to 638.

E) Rights in Cases of Arrest or Detention: Section 10 of the *Charter*

> "Everyone has the right on arrest or detention
> (a) to be informed promptly of the reasons therefor;
> (b) to retain and instruct counsel without delay and to be informed of that right...."

Police officers are not bound to be precise when informing an individual of the reason for arrest; it is sufficient if the individual generally understands the seriousness of the situation and, therefore, can obtain meaningful advice from counsel.

In general, I am concerned about the failure of members of the RCMP who participated in the events at Saint-Sauveur and Saint-Simon to consistently respect these fundamental legal rights. In other parts of this report, I have specifically addressed these matters in relation to individuals who were placed under arrest.

PART III : COMPLAINT PROCESSING

XI. COMPLAINT PROCESSING

As previously discussed, a demonstration or assembly is a legitimate activity protected by the *Canadian Charter of Rights and Freedoms*. This type of activity can be illegal if it entails disturbing the peace, obstructing a highway or causing damage to public or private property, or turns into a riot. The *Criminal Code* contains provisions that establish specific offences relating to such situations.

It should be stressed that some Saint-Sauveur and Saint-Simon demonstrators did in fact commit mischief (i.e. obstruct public highways). Nothing in the consideration of these complaints should be interpreted as acceptance of the methods used by the inhabitants of Saint-Simon and Saint-Sauveur to support their claims.

This chapter covers the complaints filed with the Commission and my findings following investigation by the Commission.

It should be stressed that several complaints contain more than one allegation regarding the conduct of one or more members of the RCMP. Any specific complaint containing allegations that cannot be assigned to a single category is mentioned more than once in this chapter. For example, the first allegation in Complaint 170 is discussed in category 2b) "use of excessive force", the second in section 6 "other complaints".

1. Lack of Communication

A number of complaints filed with the Commission allege that the Saint-Sauveur and Saint-Simon confrontations could have been avoided if RCMP representatives had established better relations with the parents' representatives and demonstrators. These complaints condemn the lack of understanding shown by RCMP members for the problems and intentions of the citizens adversely affected by the government's decisions, as well as the lack of good communication with parents' representatives. Some complaints even allege that RCMP management spread inaccurate information to justify their actions on May 2 and 4, 1997. The complaints relating to lack of good communication are categorized as follows:

> a) the RCMP failed to comply with the process for communication established with parents' representatives during the May 2 and 4, 1997 demonstrations: Hermel Mazerolle (complaint 42) complained that the mediator delegated by the RCMP did not take the time to listen to people and learn about their intentions; Gilles Halley and Susan Barton (complaint 1) stated that everything could have been settled peacefully if the RCMP had negotiated with tact and diplomacy; Pascal Gionet (complaint 37) stated that the RCMP failed to use a negotiating approach to rectify the conflict situation;
>
> b) the special unit intervened without any warning to the demonstrators and no attempt at communication was made by the RCMP: This allegation was expressed by

Maryse Chiasson (complaint 51), Isabelle Léger (complaint 153), Claude Dorion (complaint 155), Johanne Landry-Gallien (complaint 156) and Fernande LeBreton (complaint 158);

c) the RCMP spread inaccurate information and then used it as grounds to justify its actions: See Monique Ferron (complaint 20), Martin Noël (complaint 63), Michel Noël (complaint 64) and Denise Mallet (complaint 167);

d) RCMP management did nothing to enhance its image among members of the Saint-Sauveur and Saint-Simon communities, and in particular made no effort to re-establish constructive relations with these individuals following the unfortunate events of the May 2 to 4, 1997 weekend: See Isabelle Léger (complaint 153).

The May 2 and 4, 1997 demonstrations were preceded by a number of events described in detail in chapters VI, VII and VIII of this report. Before dealing specifically with the above mentioned complaints, the role played by the RCMP during the period preceding the confrontations should be understood, and the Force's operating restrictions identified.

In March of 1997, Sergeant Lemay of the Tracadie-Sheila Detachment and Sergeant Lajoie of the Caraquet Detachment opened files on the problems of school closures in Saint-Simon and Saint-Sauveur. The two members agreed, with the approval of Staff Sergeant Castonguay, to take a pro-active approach with parents' representatives.

In Tracadie-Sheila, Sergeant Lemay assigned Corporal Denis Laliberté to liaise with parents' representatives in Saint-Sauveur in an effort to understand their problems and actions. Evidently, Corporal Laliberté was mandated to try and encourage the inhabitants of Saint-Sauveur to use lawful pressure tactics in making their claims. As of the end of March 1997, Corporal Laliberté attended most parents' meetings. In the process, he became friends with a number of parents' representatives and soon understood the importance of the local school to these people. He tried to inform the parents of the inherent dangers of obstructing highways and of the possibility of agitators attending the demonstrations.

The main problem for the police officers in Saint-Sauveur was that Highway 160, which runs through Saint-Sauveur, is a major artery on the Acadian Peninsula and any obstruction of this highway causes serious problems for the inhabitants. (See diagram p. 248). When the highway was blocked by the demonstrators, the RCMP Tracadie-Sheila Detachment received between 50 and 75 complaints from frustrated local inhabitants and businesses. According to the police officers, people who had to travel to the hospital or elsewhere complained of delays caused by the demonstrations. Company executives informed the RCMP of serious consequences relating to the obstruction of Highway 160. The District No. 8 RCMP members were unable to produce neither forms nor police officers' notes showing evidence of such complaints.

Before May 2, demonstrations totally or partially blocking Highway 160 occurred on March 27 and April 1, 2, 3, 17, 18 and 24, 1997. Fires were also started on the public highway by the demonstrators.

On April 4, 1997, after consulting Corporal Laliberté and Staff Sergeant Castonguay, Sergeant Lemay was successful in convincing Keith Coughlan, Superintendent of the school district, to organize a meeting of the Save-Our-School Committee representatives and Department of Education authorities, giving parents the opportunity to put forward their claims. As a result of his action, a meeting of provincial authorities and parents' representatives was held on April 8, 1997.

On April 18, Staff Sergeant Castonguay contacted the senior officer at RCMP Criminal Operations in Fredericton suggesting that he put pressure on government authorities to promote dialogue with parents and alleviate tension. His suggestion was acted upon, and an emergency meeting was held on the afternoon of April 18.

In Saint-Simon, Sergeant Lajoie assigned Corporal Fauteux to act as liaison with parents' representatives. A number of demonstrations by the people of Saint-Simon were held at the school district office. Before May 4, 1997, only two demonstrations slowed down highway traffic. At the time of these events, the demonstrators' objective was to inform the public of their dissatisfaction and gain support for their cause. Saint-Simon representatives also benefited from the action taken by Sergeant Lemay and Staff Sergeant Castonguay and met with Department of Education officials on April 8 and 18 and May 2, 1997.

The above facts are important to highlight the planning done by local RCMP management in an effort to establish communications with representatives of both communities. RCMP action in contacting government officials paved the way for dialogue between the parties. Evidence given by the police officers involved in events prior to May 2 shows that the police had an understanding of the frustration of Saint-Sauveur and Saint-Simon inhabitants and considerable sympathy for the parents' cause.

On May 1, Staff Sergeant Castonguay learned of the government's final decision to close both schools. His greatest concern was Saint-Sauveur, because of the importance of Highway 160 in the Peninsula's road network. His primary aim was to avoid further disruption of traffic.

Staff Sergeant Castonguay asked Corporal Laliberté to meet with Thérèse Albert to ascertain the community's intentions in the event of a negative response by the government. Staff Sergeant Castonguay also asked Corporal Laliberté to inform Ms. Albert of the illegal aspects of obstructing a public highway in the course of a demonstration. Corporal Laliberté was also to inform Ms. Albert that the police would no longer tolerate disruption of traffic on Highway 160. Corporal Laliberté met with Ms. Albert on the afternoon of May 1 and informed her of the RCMP position. Corporal Laliberté gave Ms. Albert copies of the relevant provisions of the *Criminal Code*.

A) Communication with Parents' Representatives on May 2 and 4

Over the years, RCMP management has developed policies and procedures for deployment of special units. These directives are contained in the RCMP *Tactical Operations Manual* (hereinafter the "Manual"). The Manual contains police standards for tactical operations, against which the RCMP operations in Saint-Sauveur and Saint-Simon during the weekend of May 2 to 4, 1997 can be evaluated.

The Manual clearly stipulates that members of the RCMP must make every effort to prevent breaches of the peace. Managers are also encouraged to establish communication with dissident leadership to determine the intent and nature of the demonstrators and attempt to persuade the leadership to channel its protest into a more acceptable and legal format.[345] On arriving at the site of a demonstration, the police officers are to attempt to discourage crowd hostility "by quiet, intelligent, courteous crowd control."[346] Finally the members in charge are encouraged to maintain order through persuasion and to use force only as a last resort.[347]

(i) Saint-Sauveur

A meeting of concerned Saint-Sauveur citizens had been organized by representatives of the Save-Our-School Committee for 7:00 p.m., May 2, 1997. The aim of the meeting was to inform citizens regarding the Department of Education's final decision to close the school. Corporal Laliberté and Constable Marc Plourde went to the school and asked to participate in the meeting. They were refused access to the building and advised by Thérèse Albert and Monique Ferron that their personal safety could not be guaranteed. The two police officers left the premises and reported the incident to Staff Sergeant Castonguay. Corporal Laliberté then went to a parking lot near the school to observe the situation.

At the end of the meeting, Thérèse Albert went outside the school to speak to Corporal Laliberté and inform him of the demonstrators' intentions, which were simply a peaceful protest march. Corporal Laliberté had already left the site. Ms. Albert was able to speak to Constable Robichaud. According to Ms. Albert, she informed the Constable of the demonstrators' intentions. Again according to Ms. Albert, the Constable informed her that the special unit was already en route and nothing could be done. Constable Robichaud's version of the facts differs somewhat. He agrees that he went to the school to meet Ms. Albert and later drove her to the demonstration site. He nevertheless remembers Ms. Albert's words to the effect that she had lost control of the situation.

Ms. Albert was able to meet with Corporal Laliberté only after the confrontation had ended.

---

[345] Manual, chap 1. E.2.b.1
[346] Ibid. chap. 1.G.8.b.7
[347] Ibid. chap. 1.G.8.b.8

Corporal Laliberté says he should have been more insistent with the parents about attending the meeting or remained at the site to learn the parents' intentions. He summarized the situation in the following statement:

> [TRANSLATION]
> At that time we did just about everything we could to go in and see...or at least if we had been inside, we could have gone out, and said to the others at that time, "Listen, this is what they intend to do". We had...communication was cut off at that time and as soon as communication is cut off, it's harder to figure out what others are going to do.[348]

Corporal Laliberté and Constable Plourde acted correctly in attempting to attend the meeting and wanting to keep the lines of communication open with representatives of the Save-Our-School Committee.

However, we agree that Corporal Laliberté could have insisted on attending the meeting, or at least remained at the site to determine the outcome. Similarly, Constable Robichaud should have immediately reported his conversation with Ms. Albert and Corporal Laliberté should have been called to the site to continue the dialogue with the parents' representative.

We do realize that Corporal Laliberté would not have been able to prevent the demonstration because the people were determined. Furthermore, Staff Sergeant Castonguay had already decided that he would no longer tolerate the highway being closed down to traffic. As a result, it would have been difficult in the circumstances for Corporal Laliberté to guide or assist the demonstrators.

The RCMP would have learned the demonstrators' intentions if dialogue had been maintained. It is unfortunate that RCMP management deployed the tactical troop without any real attempt at resolving the conflict through negotiation. This omission contravenes the Manual's directive requiring the operational commander to initiate communication with the crowd leaders at such an incident, in order to learn their objectives and persuade them to channel the protest within the law.

The events of May 2 finally came to an end through negotiation. Following the confrontation between police officers and demonstrators, the demonstrators all met in the school. There was discussion between the parents' representative, Ms. Albert, and Corporal Laliberté. It was agreed that all the demonstrators could go home without any charges being laid.

(ii) Saint-Simon

The Saint-Simon parents' meeting was held Sunday afternoon. No police officer was present at the meeting. Because of this police absence, neither Sergeant Lajoie nor Corporal Fauteux learned of the result of the afternoon meeting. RCMP management at the Caraquet

---

[348] Denis Laliberté, p.47

Detachment knew that Saint-Simon was a trouble spot and they should have tried to maintain contact with the representatives of the community. A simple telephone call would have given the police officers the information that the parents intended to light a "bonfire" to protest the government decision. Discussions could have been undertaken to avoid the demonstration.

The evidence in the file shows a complete absence of communication or attempted communication by police authorities with parents' representatives prior to arrival of the RCMP Special Unit.

Even following arrival of the special unit in Saint-Simon, no representative of the Parents' Committee was contacted by the police with a view to solving the problem through negotiation.

The parents' representatives clearly understood from Corporal Fauteux and Sergeant Lajoie that a parents' representative would be present during demonstrations to ensure that the lines of communication between police and demonstrators remained open at all times. Prior to the May 4 demonstration, the demonstrations on the public highway by Saint-Simon parents and inhabitants had always proceeded in an orderly and respectful fashion.

During the demonstration, Johanne Landry-Gallien, a parents' representative, spoke with Constable Alain Tremblay and Corporal Fauteux. According to Ms. Landry-Gallien, she answered the police officers' questions. The police officers gave her no message and made no attempt to open a dialogue with her.

Johanne Landry-Gallien reported her conversation with the police officers to Isabelle Léger, secretary of the Parents' Committee. Ms. Léger was busy answering media questions and assuring demonstrators that their demonstration was legal. Ms. Léger summarized the events as follows:

> [TRANSLATION]
> So, on May 4, I was at the demonstration, which was really quiet. Okay, there was a fire on the highway, but it should be stressed that there are three highways in Saint-Simon. If someone got hurt or something, or there was an emergency, there are two other ways out of the village.
>
> ......
>
> ...I was running between the two fires and trying to calm down the population because they knew the squad was coming to Saint-Simon and there were people who were really worked up and I said You've done nothing wrong, this is a peaceful demonstration like the others. We have had others. It's nothing more, nothing less. You've done nothing wrong. If the riot squad arrives, they will tell you to disperse, disperse, so go home, that's all.
>
> ......
>
> When the riot squad arrived, first of all, the RCMP – made no attempt to make contact....
>
> ......
>
> So they arrived. There was never an order to disperse. They started firing tear – tear gas bombs.[349]

---

[349] Isabelle Léger

The police officers did nothing to open lines of communication with the parents' representatives in order to resolve the crisis peacefully. I realize that Constable Tremblay tried to approach the demonstrators earlier in the evening and that the Caraquet Chief of Police, Aubin Albert, and Corporal Fauteux made similar attempts. However, these attempts were not aimed at parents' representatives. This lack of attempt at communication is especially inexplicable if – as alleged by a number of complainants – an agreement existed between the RCMP and parents' representatives that the police would not intervene before first advising the parents' representatives.

Consequently, I must conclude that Inspector Tremblay, Sergeant Lajoie and Sergeant Potvin of the RCMP in fact permitted deployment of the RCMP Special Unit without any real attempt at negotiation with the Saint-Simon parents' representatives.

B) Warning to Demonstrators

The RCMP *Tactical Operations Manual* stipulates in chapter 3 (section F.2.a.2.) that before deployment of the tactical troop, it is essential to "ensure the appropriate troop members are equipped with [...] a loudspeaker". The need for a loudspeaker is foreseeable because in crowd situations it is often the only means the police have to be heard and to communicate their instructions or warnings.

The Manual stipulates in chapter 4 (sections G.1.c. and G.2.) that, in situations in which the tactical troop must exercise crowd restraint, it is necessary to warn the demonstrators of the police officers' intentions. The Manual specifies:

> "G.2 Warning to disperse
>
> a. Commander
> 1. Warn the crowd to "disperse peacefully".
>   1. Use both official languages or the local dialect as necessary.
> 2. Explain to the crowd the legal implications of its action should it choose not to disperse.
> 3. Give the crowd time to disperse."

(i) Saint-Sauveur

Shortly after arriving in Saint-Sauveur, the special unit lined up in formation. At that time, Inspector Tremblay and Sergeant Lajoie walked toward the demonstrators, without loudspeakers, to give the order to disperse. They were drowned out by the demonstrators' protests. This was reported to Staff Sergeant Castonguay, who gave the order to open the highway. No other warning was given to the crowd before the special unit intervened.

Sergeant Lajoie and Inspector Tremblay should have foreseen that they would not be heard without loudspeakers. Furthermore, it is difficult to understand why Sergeant Lajoie, Inspector Tremblay or Sergeant Potvin, who were in charge of operations, gave no final warning as the Manual specifies. This would have allowed everyone present who was unwilling to break the law to proceed to their vehicles or to the school. This would have provided the RCMP with an opportunity to better assess the situation.

(ii) Saint-Simon

In Saint-Simon, Chief Aubin Albert and Corporal Fauteux also tried to approach the demonstrators to order them to disperse. They had no loudspeakers and their voices were drowned out by shouts of protest. Sergeant Potvin gave no other warning before deploying the tactical troop. The procedure specified in the Manual appears appropriate, and we are obliged to conclude that Inspector Tremblay, Sergeant Lajoie and Sergeant Potvin did not use loudspeakers to make their intentions known to the demonstrators and did not take the necessary measures to warn the demonstrators to disperse before the troop intervened.

Inspector Tremblay, Sergeant Lajoie, Sergeant Potvin and Corporal Fauteux documented their participation in these events.

C) Inaccurate Information Spread by the RCMP (Complaints 20, 63, 64 and 167)

Four complaints allege that RCMP management spread inaccurate information following the events of May 2 and 4, 1997 to justify their actions. It is alleged in particular that RCMP management claimed they had received intelligence to the effect that, during the demonstrations, demonstrators were equipped with weapons and other dangerous items.

A number of interviews were given by RCMP management in response to requests from various media. These interviews were reviewed by the Commission. Only two of the interviews dealt specifically with the matter at issue.

On May 6, 1997, Staff Sergeant Castonguay gave an interview to Abbé Lanteigne of Société Radio-Canada. Abbé Lanteigne asked Staff Sergeant Castonguay, [TRANSLATION] "What was the real danger of the demonstration as such?" The question appears to have been asked in the context of the events in Saint-Sauveur. Staff Sergeant Castonguay's response was as follows, [TRANSLATION] "There was talk of firearms, explosives, bolts, nails..." The journalist then asked him, "To be used for what?" The response was, [TRANSLATION] "Emotions and frustrations were running so high that people were unable to use the highways, we had to protect the population nearby."

The evidence in the file clearly establishes that, on May 2, RCMP management had no information on any imminent danger in Saint-Sauveur other than the possibility of another demonstration that would obstruct the highway. There is conclusive evidence that the aim of the intervention by the special unit was to ensure that Highway 160 remain open.

However, on May 3, during the day, the police officers received a number of disturbing items of intelligence (discussed in chapter VII of this report) concerning the possibility of the presence of agitators, bolts, dynamite, even a grenade.

Staff Sergeant Castonguay, in his capacity as Commander of District No. 8, was called upon to give a number of interviews between May 2 and 6. He gave two press conferences with representatives of Saint-Sauveur and Saint-Simon. In these interviews, he stressed the importance of relations between the citizens and the RCMP and the need to maintain good lines of communication. Following the Saint-Sauveur and Saint-Simon press conferences, Thérèse Albert and Mireille Manuel, spokeswomen for the parents, applauded Staff Sergeant Castonguay. Such action clearly demonstrates that, at that time, the parents' representatives were satisfied with the presentation, and the version of the facts given by the RCMP.

Although I realize that Staff Sergeant Castonguay could have shown greater prudence in his responses to the journalist, I cannot conclude that this complaint concerning his conduct is founded. The interview was given shortly after the events, making it easy for the Staff Sergeant to confuse somewhat the dates on which the intelligence was received. Furthermore, the Staff Sergeant specified in his response to the second question by the journalist that people were unable to use the highway and, for this reason, the public had to be protected. I cannot conclude that Staff Sergeant Castonguay attempted to use inaccurate information to justify his intervention.

On May 22, 1997, Inspector René Pierre Tremblay was interviewed by another Radio-Canada journalist who was preparing a detailed report on the events of May 2 and 4, 1997. In this interview, Inspector Tremblay stated, [TRANSLATION] "So, three hundred individuals armed with bolts, armed with chains, armed with flares, – I'm not saying they were all armed – when these weapons are present – and three hundred persons is a lot." This is apparently an excerpt from a response to a question by the journalist. The report linked this response to the events in Saint-Sauveur and the response was followed by comments made by the Saint-Sauveur Save-Our-School Committee members, characterizing Inspector Tremblay's words as falsehoods.

As mentioned above, RCMP management had no intelligence confirming the presence of agitators in Saint-Sauveur on May 2, 1997, or that there was any imminent danger. The only information the police had was that the inhabitants of Saint-Sauveur were going to meet for an update following the decision by the Department of Education, and that the inhabitants would not guarantee the safety of police officers if they insisted on attending the meeting.

Inspector Tremblay's comments of May 22, 1997 were therefore exaggerated and groundless. He described a situation that had little relation to the reality of May 2, 1997 and he exaggerated the extent of the demonstration.

These comments by Inspector Tremblay, a senior RCMP officer, were unfortunate. It is not surprising that parents' representatives were offended by Inspector Tremblay's words. Such statements did nothing to improve relations between community members and the RCMP, and risked imperilling the co-operative efforts made by Staff Sergeant Castonguay and Corporal Laliberté with the representatives of Saint-Sauveur at the May 4, 1997 press conference.

D) Lack of Follow-up by RCMP Management After the Events (Complaint 153)

In her complaint, Ms. Isabelle Léger states that RCMP management has done nothing since the events of May 4, 1997 to enhance its image among Saint-Simon residents. She also states that RCMP management did nothing following the events of May 4, 1997 in Saint-Simon to re-establish communication with the people of the municipality. At a meeting between representatives of the Lorette-Doiron school Parents' Committee, Sergeant Lajoie and Corporal Fauteux, it was agreed that a member of the RCMP would meet with the school's students. Ms. Léger complains that this was never done. In her statement, Fernande LeBreton raises a similar concern.[350]

Over the last few years, the RCMP had tried to adopt a more pro-active role to maintain and create closer ties with the communities it serves. Ms. Léger refers to this approach as [TRANSLATION] "community policing."[351] Changing to a community policing approach is a strategic option adopted by the RCMP in the hope of improving the results of its services to the public.

Regarding this particular aspect of Ms. Léger's complaint, Sergeant (now Staff Sergeant) Lajoie gave the following explanation.

> [TRANSLATION]
>
> We met with – Corporal Fauteux and I, we met with the two committees at the school. We were both in civilian clothes because, the bottom line is, at that time the media had gone over and over every detail so we wanted to meet with the people, re-open the dialogue because the people wanted to know, the people wanted to understand. This was a follow-up to – to the things that had been [said] from the pulpit in the church in Caraquet, the church in Saint-Simon, the church in Saint-Sauveur, that same Sunday. It had been written by the parish priest of Caraquet, a friend.
>
> At that time, we went there and we – we listened. We were rebuked. People said just what they felt, what they thought about us and what – and why we did what we did and exactly – and why I did it because I'm an approachable guy and then, well, as well as I could, I tried to explain, "Listen, we do a job, we open dialogue and when you don't fulfil your – your responsibilities, you break the law, well then, I have to change my, my hat. I now become the "command and control" police officer. I have to take control of the situation and ..."
>
> So then, they told us what they wanted. They wanted public apologies from the RCMP. They wanted clarification on why the troop took action. They wanted us to make it clear that there were no weapons, no bolts in Saint-Simon because everything got all mixed up in the media and the press releases that it was at Saint-Simon that there were bolts and there weren't any – we had no indication of bolts but there were other things in Saint-Simon, and there were no weapons either.
>
> So then, at that time, it's – there was a dialogue with them. We – took our medicine like big boys. We know we took action and, to them, that action was repressive. In our opinion, it was necessary but it was – we still agreed that we should be able to – to continue the dialogue.

---

[350] Fernande LeBreton, Appendix 8A-SI, p.10

[351] Michel Séguin, Appendix P85, p.36

> We made – I made – not commitments but I said, "Listen, we will – we will get organized. There are all kinds of things we can do. We can – we can continue the dialogue with you. We can – we can get – get – get closer to the Saint-Simon community on the subject of the school, etc., lectures, things like that.
>
> So it is in this context – it was then that was said with – to Ms. Léger.
>
> Soon after the schools closed. So, at the end of the year, it would have been impossible because they continued to demonstrate in the schoolyard right up to the last day of school.
>
> So, the last day of school, I myself was there to see what was happening, but it was singing and things like that.
>
> So, when classes were over – when classes began again in September, school started up again. Then in the middle of October, Corporal Fauteux became member in charge of the – Caraquet Detachment. I became acting commander and that file was simply set aside because then – other things were – were done, the complaints. We dealt with the complaints. That was all we could do at that time.[352]

No other measure has been taken by RCMP management since that time. The request by the people of Saint-Simon to re-open the dialogue with RCMP representatives remains unanswered.

In his statement, Staff Sergeant Castonguay said that he had also intimated to representatives of the La Découverte school's Save-Our-School Committee that measures would be taken to re-establish links with the community.

> [TRANSLATION]
>
> Yes, there were – one – and, it was one of the – the discussions at the meeting I had with them in the afternoon of the 2nd – the 2nd – yes, the 2nd – no, not the 2nd, the 4th, the 4th of May 1997 that we would make every effort necessary, we the members of the RCMP, to re-establish links with the people of Saint-Sauveur, set up advisory groups, meet the students in their school, do what we could to be more visible, bring in new ideas and work in partnership, and, yes, it was a very lively discussion and, if I am not mistaken, Corporal Laliberté was also there, but there was a girl, a constable in Tracadie who projected a totally new image, a woman who went into the villages to do consulting work so it was – it became a priority as it had become a priority in Saint-Simon and elsewhere.[353]

However, he admits a little further on that he is not up to speed with any measures that may have been taken by RCMP management since that time.[354]

Following a January 12, 1998 meeting between representatives of the Saint-Sauveur community, the *Front commun pour la justice sociale*, Superintendent Séguin and Ronald Murray of the N.B. Office of the Attorney General, it was agreed that a meeting would be set up between

---

[352] Bernard Lajoie, Appendix P3, pp. 247 to 250.
[353] Charles Castonguay, Appendix P2, pp. 136-7.
[354] Charles Castonguay, Appendix P2, p.138.

RCMP management and the community in an attempt to re-establish the links broken by the intervention of May 2 and 4. However, the meeting was cancelled by the RCMP. Superintendent Séguin explained the decision as follows:

> And then, what happened in between that is that the – certain groups persisted in requesting for a – a public inquiry and, at the point where we were getting ready to – to have this meeting, the decision was made that there was to be this investigation and it was felt at that point that any meeting with the people who are actually making the complaint would – could or would be seen as interfering with your [PCC] investigation. So at that point the meeting was cancelled.[355]

A little later, he said:

> So there was – from a Community Policing point of view, there were discussions and I think there were actions taken by the members in District No. 8 although it was felt at that time that we were not going to have direct contacts with the people who had made complaints because we didn't want to – to interfere with this investigation and it was felt that we were going to wait until the investigation was over and see the results of that and then we would resume any discussion with that specific group.[356]

However, these comments were made about a meeting planned for February 1998 in Saint-Sauveur and did not concern Saint-Simon. Furthermore, my decision and subsequent announcement to order this investigation did not occur until March 1998. There appears to be no valid reason for the lack of interest by RCMP management in meeting the people of Saint-Sauveur and Saint-Simon.

No legislation restricts the RCMP to one strategy rather than another. This is an administrative decision at the discretion of management. However, in its capacity as a police force whose success rests largely on the trust of individuals in its integrity, it is of importance that the RCMP maintain appropriate links with the communities it serves. I strongly encourage RCMP management to re-establish links with the communities of Saint-Sauveur and Saint-Simon and rebuild a climate of trust and respect. In my opinion, if the RCMP is to succeed in its mission, it must be aware of the needs of the public, and show compassion. It appears evident that RCMP management, to avoid any misunderstanding and ensure improved relations with the residents of these communities, should have held meetings with representatives of the parents of Saint-Sauveur and Saint-Simon following the events of May 2 and 4, 1997.

2. Abuse of Power

As of March 27, 1997, the citizens of Saint-Sauveur held a number of demonstrations that obstructed traffic on Highway 160. During the demonstrations, the police forces tried to co-operate with parents' representatives to maintain control of the situation.

On May 1, 1997, Staff Sergeant Castonguay learned of the final government decision to close the schools. He immediately consulted Superintendent Séguin, and a decision was made to muster the special unit on the Acadian Peninsula. Considering the many prior demonstrations in Saint-Sauveur and Saint-Simon, and because of the Minister of Education's announcement expected on May 2, 1997, it was reasonable to bring the unit in.

---

[355] Michel Séguin, Appendix P85, P.81.
[356] Michel Séguin, appendix P85, pp. 82-83.

It is incumbent upon RCMP management to analyse events and to prepare accordingly. Staff Sergeant Castonguay was responsible for ensuring the safety of the Minister of Education, protecting public places and the travelling public's right to use the public highways. In this context, it was reasonable to anticipate possible events that would justify intervention by the special unit.

Staff Sergeant Castonguay assigned Corporal Laliberté to inform the parents' representative, Thérèse Albert, that the RCMP could no longer tolerate obstruction of Highway 160. The message was transmitted to Ms. Albert on May 1.

On May 2, Staff Sergeant Castonguay attended the meetings between the parents' representatives and the Minister of Education. Following these meetings, he tried to inform the citizens by local radio that the police forces would no longer tolerate the blocking of public highways.

A number of complainants allege that involvement of the special unit on May 2 and 4, 1997 by RCMP management was an abuse of power. The complaints have been divided into five categories:

a) deployment of the special unit in Saint-Sauveur and Saint-Simon without valid reason (complaints 1, 2, 4, 6, 7, 8, 9, 12, 13, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 30, 31, 32, 33, 35, 36, 38, 39, 41, 43, 45, 46, 47, 49, 52, 53, 54, 55, 56, 57, 58, 60, 64, 67, 70, 71 to 146, with the exception of complaints withdrawn, and 150);

b) use of excessive force (complaints 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 31, 33, 34, 35, 36, 38, 39, 40, 41, 43, 44, 45, 46, 47, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71 to 146, with the exception of complaints withdrawn, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170), to wit:

    i) the tactical troop, including use of tear gas;
    ii) the Police Service Dog teams;
    iii) the Emergency Response Team; and
    iv) use of a helicopter in Saint-Sauveur.

c) provocation and intimidation of demonstrators by members of the RCMP (complaints 10, 15, 16, 18, 19, 20, 24, 27, 32, 35, 38, 39, 45, 48, 49, 59, 62, 63 and 70);

d) use of La Découverte school by members of the RCMP as a command post in Saint-Sauveur (complaints 1, 3, 10, 14, 15, 18, 21, 31, 32, 35, 38, 39, 45,47, 57, 61 and 71 to 146, with the exception of complaints withdrawn); and

e) unjustified/excessive control by RCMP members of highway access to the Saint-Simon and Saint-Sauveur demonstrations (complaints 3, 10, 20, 21, 22, 26, 45, 46, 66, 70).

A) Grounds for Deployment of Special Unit

The Manual summarizes the RCMP policy applicable to its tactical forces. The Manual stipulates:

> Chap. 4. Policy
>
> C.1. Whenever possible, crowds shall be dispersed by non-violent means.
> C.2. A tactical troop shall use force only when absolutely necessary.
> C.2.a. A tactical troop commander shall justify any use of force.
> C.3. A tactical troop shall use the minimum effective force necessary to accomplish the police objective.

I recognize the soundness of this policy and do not question it. On this issue, what needs to be determined is whether the spirit of the policy was respected in the context of the events in Saint-Sauveur and Saint-Simon.

(i) Saint-Sauveur

Staff Sergeant Castonguay made the decision that Highway 160 should no longer be closed by demonstrations. He notified Ms. Albert, via Corporal Laliberté, of the RCMP position. He publicly announced his position on local radio. Finally, he informed Chief Superintendent Séguin of his intention to keep Highway 160 open.

On the evening of May 2, 1997, Staff Sergeant Castonguay dispatched Corporal Laliberté and Constable Plourde to the parents' meeting to learn of the parents' intentions. These police representatives were not permitted to attend the meeting and were notified that their safety could not be guaranteed.

In these circumstances, it was reasonable for Staff Sergeant Castonguay to muster the special unit and bring it closer to Saint-Sauveur.

The information on file shows that the parents' intention was to take advantage of media presence with a march protesting the government decision and thus communicate to the government their determination not to back down.

It has also been established that, on May 1, RCMP management had no intelligence supporting a conclusion of imminent danger nor that there was an emergency situation requiring immediate intervention by special units.

As discussed above, the lines of communication between parents' representatives and the RCMP were cut on the evening of May 2, 1997 and the RCMP was unable to learn of the citizens' intentions.

At the beginning of the demonstration, it was evident that the group of demonstrators was made up of persons of all ages, including children. This should have been taken into account in the police force's decision process. The presence of children at the site of the demonstration argues in favour of greater restraint by the police officers, not to mention the fact of the absence of imminent danger referred to above.

It should also be noted that the protest march was to be limited. Evidence in the file shows that the demonstrators left the school premises and were heading west on Highway 160. They had gone barely half a kilometre (from the school exit to the community centre) when they turned around and headed back east, i.e. toward the school. Everything seems to suggest that the demonstrators were going back to the schoolyard where most of them had parked their cars.

The Manual specifies that, in a non-violent crowd situation, only a regular troop (soft hats) is deployed to co-ordinate and control the crowd.

I have already concluded that, before deploying the special unit, Sergeant Lajoie, Sergeant Potvin or Inspector Tremblay should have informed the demonstrators of the police's intentions with the use of a loudspeaker. Inspector Tremblay was at the site and, as the hierarchical superior of the two sergeants, he should have ensured that a loudspeaker was available and used.

Consequently, I must conclude that deployment of the special unit and use of tear gas in Saint-Sauveur were premature. Deployment of a troop in soft hats would have been quite sufficient to start with. Deployment of these police officers would probably not have been perceived with such hostility by the demonstrators. The aim of keeping the highway open, although very important, was not a sufficient ground for using the RCMP Special Unit in the specific circumstances of the May 2 incident in Saint-Sauveur.

This conclusion does not mean that, following deployment of a troop in soft hats, there would not have been any need to deploy the tactical troop or use tear gas to disperse the more determined demonstrators and to clear the highway.

(ii) Saint-Simon

The RCMP received unconfirmed information from "Crime Stoppers" during the day of March 4, 1997 to the effect that demonstrators were planning to burn the Bernard bridge at 8:00 p.m. that evening.

The Saint-Simon demonstration took the form of a "bonfire", which began at approximately 6:00 p.m. with the building of a fire in the middle of Highway 335 near the Bernard bridge. When the first police officer arrived at approximately 7:20 p.m., in response to a complaint that the highway was blocked, a number of demonstrators began to throw rocks and pieces of pavement toward Constable Tremblay, forcing him to back up and keep his distance from the demonstrators. The Constable observed the proximity of the fire to the Bernard bridge and the fact that a number of demonstrators were wearing scarves or hoods to hide their faces. The Constable immediately made a verbal report of the situation to Corporal Fauteux.

The demonstrators then lit a second fire on the highway approximately one kilometre from the Bernard bridge.

The Caraquet Municipal Police force was called to the site, followed by the RCMP Special Unit. Shortly after the arrival of the two police units, Corporal Fauteux and Chief Aubin Albert, without loudspeakers, attempted to approach the demonstrators around the first fire and order them to disperse. These police officers were obliged to retreat after stones and other projectiles were thrown in their direction by the demonstrators.

After the special unit was deployed, Sergeant Lajoie was informed that a group of some 30 individuals was advancing toward the police officers who had erected a roadblock near the church in Saint-Simon.

As mentioned above, it would have been preferable if the police, before intervening, had attempted to establish communication with the Saint-Simon parents' representatives and, with the use of a loudspeaker, warned the crowd of their intervention. Nevertheless, I consider the decision of the members in charge (Sergeant Potvin, Sergeant Lajoie, Inspector Tremblay and Staff Sergeant Castonguay) to deploy the special unit reasonable in the specific circumstances at Saint-Simon.

The police were faced with demonstrators who, without hesitation, provoked the police officers by throwing projectiles, including an object resembling a marine flare. Furthermore, a number of the demonstrators had their faces covered. The demonstrators had started a second fire, showing their determination to remain at the site and confront the police. Finally, by the time the special unit arrived, it was dark and the immediate area of the events was heavily wooded. The situation was generally one of civil disorder arising out of a worrisome gathering.

Some complainants considered the presence of demonstrators with their faces covered as a "plaisanterie"(joke). To police officers, the presence of masked demonstrators is no "plaisanterie" (joke). On the contrary, the presence of masked individuals is often an indication to police of the need for particular vigilance. In such a situation, police management must assume that there is a real possibility of agitators being present. Additional measures must be taken to ensure the safety of police officers and peaceful demonstrators.

According to the Manual, in situations similar to that in Saint-Simon, crowd control is essential as it becomes dangerous for the police to be in direct contact with the demonstrators.

A combination of all the above factors justified the decision by the RCMP member in charge to deploy the special unit in Saint-Simon on the evening of May 4, 1997.

B) Use of Excessive Force

This section of the report examines involvement of the various special units deployed during the May 2 and 4, 1997 demonstrations in Saint-Sauveur and Saint-Simon and determines if there was improper use of force by RCMP members.

(i) Tactical Troop Including Use of Tear Gas

According to the Manual, a tactical troop consists of groups of eight unarmed police officers. Each eight-member group, known as a section, is led by a non-commissioned officer. Six members carry batons and the two others carry tear gas guns. A full team consists of 37 members, i.e. four sections and one commander.

No tear gas inventory control procedure exists, nor is there any procedure to account for the number of tear gas cartridges used at a demonstration.

a. Saint-Sauveur

The Saint-Sauveur demonstration was spontaneous. Its objective was to draw media attention to the decision made by those persons attending the May 2 community meeting that they would not back down in the face of the recent government announcement concerning their school.

The activity planned was a peaceful march that would be limited in both time and space. The police officers at the site could observe participants of all ages, including young children.

Prior to the arrival of the special unit, the Saint-Sauveur demonstration could be defined as an unlawful assembly because it obstructed drivers' right to use the road.

In such circumstances, the Manual specifies[357] that use of a regular troop (soft hats) may be sufficient to co-ordinate and control a crowd. A regular troop could have made sure the demonstrators were heading to the school parking lot located near the site of the confrontation.

Here again, I am not saying that eventual use of the tactical squad may not have been required. However, I do find that its use in Saint-Sauveur was premature.

---

[357] See Chap. 4.E.2.

b. Saint-Simon

In light of prior findings, there is no doubt that use of the tactical squad was justified in Saint-Simon on the evening of May 4, 1997.

It is also understandable that the commander of the troop used tear gas to disperse the crowd. As stressed in the Manual[358] tear gas is usually the first line of force against a rioting crowd. This method frequently enables the police to disperse a crowd with no physical contact between police and demonstrators and avoids unnecessary and unfortunate injuries.

(ii) Police Service Dog (PSD) Teams

The Manual contains an entire section on the use of Police Service Dog Teams as a support unit for the tactical troop. Considering the important role played by this unit in deployment of the tactical troop in Saint-Simon, we are including the full text of this section of the Manual's chapter 2.

> G.6. Use of police service dog teams
>
> G.6.a. The PSDs when properly trained in crowd control are a psychological deterrent as well as an efficient means of dispersing and controlling unruly persons.
>
> G.6.b. The authority to use PSDs, rests with the member in charge of the operation, after consulting with the dog handlers. In any situation, the member IC must rely on the discretion of the dog handlers as to how, when and where the dogs will be used or withdrawn.
>
> G.6.c. The PSDs can:
>
> 1. prevent injuries and property damage;
> 2. effectively control crowds;
> 3. assist members in front of barricades when faced with potentially destructive or unruly groups;
> 4. guard VIPs, vehicles, equipment, buildings or prisoners;
> 5. search for and remove demonstrators from buildings;
> 6. patrol and maintain security in areas cleared of demonstrators;
> 7. work in conjunction with or separate from tactical troops (optimum number is four teams but may vary) contingent on the size of the crowd;
> 8. assist in making arrests; and
> 9. when specifically trained, detect explosives.
>
> G.6.d. While each situation requires assessment to determine the particular role the PSD should play, dogs can serve as a deterrent to a crowd that is on the verge of becoming an unlawful or riotous assembly, especially if deployed at a strategic time and location.
>
> 1. The PSDs should not be deployed where there is a danger of a dog handler being incapacitated and losing control of the dog in the crowd.
>
> G.6.e. Voice and signal communication between the commander and dog handler must be established.
>
> G.6.f. The PSD must not be allowed to bite, as this reduces the dog's effectiveness and makes it vulnerable to injury.
>
> G.6.g. When working together, tactical troops must move at the designated pace of the PSD.

---

[358] See Chap. 4.G.3.

G.6.h. PSDs and Tear Gas

1. Although PSDs will show initial slight eye tearing when exposed to CS gas, their activity is generally unimpaired by tear gas.
2. Tear gas does not affect a dog's sense of smell. They can still search under such conditions.
    1. Prolonged exposure can affect the dog's throat and digestive system.
3. In all tactical situations where PSDs may be used, the dog handler must be equipped with a gas mask.

G.6.i. The PSDs should train regularly with tactical troops, with emphasis on communication and formation tactics.

G.6.j. Each dog handler should be provided with tactical troop protective equipment, and each dog with a tracking harness, a 2.5-meter long line, dog boots and a riot collar.

The Police Service Dog teams as such are not part of the tactical troop. They are special units that the operational commander can call on when he deems it necessary. The operational commander must analyse the situation and, after consultation with the dog handlers, determine that the Police Service Dog teams could be of assistance to the tactical troop in its operation. The operational commander is also responsible for determining the role of the dogs in the operation.

Use of a police service dog in a crowd control operation is usually based on the potential for their preventive psychological impact on the crowd. Superintendent Boucher who, in May 1997, was the officer in charge of the RCMP's dog handler-training program, explains the use of a police service dog in riot or crowd control situations as follows, "They are very useful in the sense that they can move very quickly. Most people are afraid of dogs and particularly when they're snapping their teeth and jaws at them."[359]

The dog handlers and the police dogs go through a rigorous RCMP training program. In addition, the dog handlers and their dogs are examined every year as part of the dog handler-training program. In spite of this training and the control examinations, dogs are dangerous weapons that must be controlled by their handlers at all times. As stressed by Superintendent Boucher:

> Again, things happen very quickly. Sometimes, the dog may bite a few people because he is also agitated – I say "he" because most of the dogs are males – because the dog is agitated , he may bite more than one person or just don't have enough leash to grab a full bite into somebody. You see, he may just bite with the end of his – his teeth for example and then it won't be enough to hold on and then bite somebody else...[360]

Superintendent Boucher also explained the advantage of using Police Service Dog teams as a special unit with a tactical troop:

> If dogs are used properly when you need people to move or to push them back or to whatever, control them, usually the dogs are sent to the front of the line.

---

[359] Joseph Normand Boucher, June 29, 1999, Appendix P84, p.6.

[360] Ibid. p.7

> The dogs are usually – well, people can see very quickly once they start to snap around, they will bite indiscriminately whoever is there. So it's not a matter of attacking just one person or the other to take control type of thing, the dog will just go around and that gives you the freedom for the Troop to move about and sometimes it's also to move about, to exit the area. So it all depends.
>
> But if it's used properly, it's really effective. It prevents a lot of injuries to the police officers although when we're there it's not the only thing you have to consider.
>
> But they're very subject to what the crowd does and I can't leave you without that impression. If the crowd is very agitated and is throwing objects, even though they might be light objects.... They get very agitated so the bottom line after this is the command and control of the dog handler.[361]

It is clear that using police service dogs can contribute to crowd dispersal by their mere presence at a demonstration. In other words, using a police service dog can be a preventive psychological factor. However, as soon as police service dogs approach demonstrators, they become a dangerous police weapon.

In the RCMP's dog handler training course, the dog handlers are taught the legal aspects of their work.[362] One subject that is covered is the civil and criminal responsibility of dog handlers for the actions of their animals.

I found it necessary to do an overview of the law as it applies to the use of police service dogs by their handlers. These general principles will assist me in the processing of complaints relating to the Police Service Dog teams in Saint-Sauveur and Saint-Simon.

The right to "security of the person" is defined as the right to be free from any threat of corporal punishment or suffering and the right to be free from punishment or suffering as such.[363] Of course the right to security of the person includes the right to physical integrity, but also the right to freedom from serious psychological stress exercised by the state.[364]

As with the other rights set out in Section 7 of the *Charter*, the right to security of the person is not absolute, and it has been acknowledged that there could be some circumstances where there may be grounds for infringement of this fundamental right. However, any violation of security of the person must comply with the principles of fundamental justice.

Regarding the 1997 events, our focus here is the right to security of the person during an arrest. At the time of an arrest, the work of a police officer becomes particularly delicate because of possible infringement of the rights of the person arrested. When force must be used in making an arrest, the police officer must not use excessive force. The principles of fundamental justice require that the use of force by the police officer be justified by the circumstances and carried out in a reasonable manner.[365]

---

[361] Ibid. p.41 and 42
[362] Training Standard – Dog Handler Training Course, chap. 16
[363] *R* v. *Morgentaler, supra* note ? p.162
[364] Ibid, p. 56

The force to be used during an arrest is determined by the circumstances and, in large part, by the conduct of the person arrested.[366] Thus, the force used by the police officer is reactive to the force used by the person arrested. For example, a person who uses force to resist an arrest exposes himself or herself to the use of force against him or her. However, if the person arrested submits to the arrest with no physical resistance, no force should be used against that person.

In all circumstances, however, the force used must be reasonable. The courts recognize that it is difficult to assess the force used during an arrest.

To determine whether the force used by a police officer was justified and reasonable, the courts consider a number of factors. Major factors examined include resistance of the person being arrested and the potential for physical danger to the police officer or other persons at the site.[367]

In the specific case where a police service dog participates in the arrest, as occurred several times during the events at Saint-Simon, it becomes important to define the role of the police service dog in the arrest. In *Carpenter* v. *Vancouver (City)*, the role of a police dog is described in the following terms:

> Corporal Wadley agreed that a police dog is a weapon in an officer's arsenal and that releasing it is a use of police force. [...]. The trained police dog is a valuable tool, particularly for investigative purposes and the apprehension of suspects. Because of the physical harm that police dogs can inflict upon suspects, it is incumbent upon their handlers to ensure that the use of a police dog as a weapon is reasonable in all of the circumstances.[368]

In *Arnault* v. *Prince Albert (City) Police Commissioners*, it was decided that a police dog should not be used unless the force of "verbal" persuasion is not appropriate.[369] A police dog is generally used to control a situation, not as an offensive weapon. Superintendent Boucher explained the usefulness of police dogs as follows:

> Dogs are not used for an offensive or as an offensive weapon in our training philosophy. Again, they are used to control a situation until such time as the handler or possibly other police officers can take control from the dog at which time the dog has to be removed from the site or from the suspect.[370]

---

[365] *Cluett* v. *R.*, [1985] 2 S.C.R. 216, p.222. See also *Arnault* v. *Prince Albert (City) Police Commissioners* (1995), 28 C.C.L.T. (2d) 15 p.2 (C.B.R. Sask.).

[366] *R* v. *Gladue* [1993] A.J. No. 1045 p.3 (Prov. C.).

[367] Ibid.

[368] *Carpenter* v. *Vancouver (City)* [1995] B.C.J. No.2317 p.9 (BCSC)

[369] *Arnault, supra* note 3, p.3

[370] Joseph Normand Boucher, Appendix P84, p.5.

Accordingly, a police dog is a weapon that must be used with care, ensuring that the force used is reasonable in all circumstances. The handler must control the animal at all times.

In *Rosario* v. *Gladney and British Columbia (A.G.),*[371] the Supreme Court of British Columbia discussed the duty and standard of care imposed on a dog handler in the context of a civil action. In that case, a dog handler had been involved in the arrest of the plaintiff. The dog bit the plaintiff. The judge said the following in his ruling:

> [78] Considerable documentary and oral evidence was led with respect to the training of police dogs generally, and Kaiser in particular. Both Kaiser and Constable Gladney had completed all levels of training at the time of this incident. Both the dogs and their handlers undergo extensive training in a number of areas, including obedience, criminal apprehension, and controlled aggression. The training manual and records make it clear that maintenance of control over the dog by the handler at all times is central to this training. In particular, in learning apprehension and aggression, the dogs are taught the "bite and hold" method. With this method, the handler, rather than the dog, makes the decision about how to approach a suspect, and the dog will only grab the suspect with its mouth on the command "hag". The dog does not attack on its own volition. I find this evidence sufficient to establish the standard of care expected of RCMP dogs and their handlers, and find that standard includes control of the dogs at all times. The dogs are to attack only on the command of their handlers.
>
> [...]
>
> [81] I appreciate that both Constable Gladney and Kaiser were confused. However, in my view that does not excuse the failure to maintain control of the dog. I would think control remains particularly important during moments of confusion and surprise if innocent civilians are to escape unnecessary attacks from police dogs.
>
> [...]
>
> [83] I find that Constable Gladney's inability to control Kaiser in these circumstances, and the resulting attack on Mr. Rosario, amount to a breach of the standard of care expected of police dog handlers and their dogs.
>
> [...]
>
> [84] I find support for that conclusion in the fact that Constable Gladney chose not to reveal the extent of the attack in his notes of the event, or in the Police Dog Service Report which he was required to complete. There is no doubt that he knew Mr. Rosario had been bitten by Kaiser, and suffered injuries. This was an unusual and significant event, and his failure to record it indicates to me that he knew it should not have happened, and he did not want it known. As well, his comment after the attack to Mr. Rosario, to the effect that he should back off or he would be bitten again, was inappropriate. It suggests a defensive response characteristic of someone who knows his dog has behaved badly and inappropriately.

Thus, there is absolutely no doubt that a dog handler must exercise very close control over his dog at all times, particularly when the situation becomes confused.

---

[371] [2000] S.C. B.C. 0214.

In *Carpenter* v. *Vancouver (City)*, the individual arrested was afraid of dogs and, on getting out of his vehicle, was bitten by the dog. The individual then attempted to get away from the dog by jumping onto a parked vehicle. The police officers, believing the individual was trying to escape, released the dog who again bit the offender.[372] In light of these events, the Court concluded that the police officers had used excessive force.

The use of a police service dog during arrests must be analysed with care. The police officers must be aware that a person arrested in the presence of a police dog can react to the dog's presence. This reaction does not necessarily mean that this person is resisting arrest; it may be an expression of fear, caused by the presence of the police service dog.

a. Saint-Sauveur

On May 1, 1997, the decision was made to mobilize the RCMP tactical troop on the Acadian Peninsula. The decision to call in the Police Service Dog teams, the helicopter and the Emergency Response Team was made by Inspector Tremblay. According to him, there is no policy for determining which special units will be used in a specific situation. As to Saint-Sauveur, Inspector Tremblay stated that it was his decision to have as many persons and resources as possible to manage the situation.[373]

According to Inspector Tremblay,[374] a Police Service Dog team can be used for a number of purposes such as assisting a police officer in distress or searching for explosives or drugs. Inspector Tremblay also stated that the operational commander at the site decides on the use of the Police Service Dog team.

I concluded earlier that deployment of the tactical troop in Saint-Sauveur was premature. Consequently, the use of police service dogs was premature as well.

According to the statements collected from the four dog handlers present in Saint-Sauveur, it is clear that the Police Service Dog team automatically takes its place at the rear of the tactical troop formation when the latter arrives at a demonstration or riot. This is a manoeuvre that was developed in previous special unit training sessions in New Brunswick.[375] Consequently, the canine teams are assembled without the benefit of any analysis as to whether their presence is required or not.

The practice is different in other areas of the country. Inspector Tremblay stated that, during a stay in Ottawa, he was tactical troop commander at the Parliament buildings. When the tactical troop was called out, the police service dog could be brought in, but it remained in its cage away from the demonstrators until a specific order was given.

---

[372] Supra, note 6.

[373] René-Pierre Tremblay, October 14, 1998, Appendix P5, p.24.

[374] Ibid, p.27.

[375] Donald Chenel, June 3, 1999, Appendix P78, p. 9.

The practice of automatically bringing in a police service dog to a site with the tactical troop seems reasonable. The decision to deploy the Police Service Dog team during a demonstration is the responsibility of the operational commander, after consultation with the dog handlers. The engagement of this team should have a specific purpose and use of the dogs should be restricted to that aim. Furthermore, the decision to use a police service dog should be reasonable in the circumstances and respond to a specific situation.

In the case of Saint-Sauveur, I conclude that engagement of the Police Service Dog teams was premature. It is a recognized fact that using a police service dog can have a psychological and preventive impact on an adult crowd. However, these dogs have the potential for creating even greater psychological impact on children. In his capacity as operational commander, Inspector Tremblay was responsible for the final decision to use the dog handlers. My investigation results show no consultation between Inspector Tremblay, Sergeant Lajoie, Sergeant Potvin and the dog handlers concerning grounds for using police service dogs in the specific circumstances at Saint-Sauveur.

b. Saint-Simon

When the RCMP Special Units arrived in Saint-Simon, they took the same formation as in Saint-Sauveur. As a result, the Police Service Dog teams were deployed behind the tactical troop. In Saint-Simon, deployment of the Police Service Dog teams should have been analysed further before having the Police Service Dog teams participate in the operation.

As summarized above, the situations in Saint-Simon and Saint-Sauveur were different. The police forces had far less intelligence on the composition of the demonstrators. Rocks and other projectiles, including an item resembling a flare, were thrown toward the police officers. It was very dark and some demonstrators had their faces covered. In such circumstances, it was reasonable to deploy the Police Service Dog teams to control and disperse the crowd. In our opinion, deployment of the Police Service Dog teams had the expected psychological effect. Once the tactical troop began to advance, a number of persons who were present tried to leave the demonstration site.

After having passed by the two fires, the tactical troop was successful in opening the highway. The two fires were put out and the situation was obviously under control.

The dog handlers checked the site as the tactical troop advanced. In the process, Corporal Chenel observed a stationary pick-up truck with one occupant. Corporal Chenel, accompanied by his dog, arrested the occupant of the vehicle. The evidence clearly demonstrates that the occupant, Albertin Albert, put up no resistance. He was however bitten by Corporal Chenel's dog.

After putting out the two fires and clearing the highway, the tactical troop took a short break. The decision was then made to use four police cars to approach demonstrators who had taken refuge in the yard at Roger Foulem's fish plant. The Police Service Dog teams followed shortly thereafter. The police objective was to make arrests. Evidence received indicates that six individuals suffered dog bites during this part of the operation. Individual cases are dealt with later in this report.

Once the fires were out and the highway cleared, there was no longer any reason to use the dogs as a dissuasive measure. At that time, the members of the tactical troop were ordered to make arrests. Nothing in the evidence indicates that either Sergeant Lajoie, Sergeant Potvin or Inspector Tremblay looked into the necessity of using dogs in this phase of the operation. It is clear that the dog handlers automatically followed the tactical troop to the site of the arrests.

Here again, use of police service dogs should have been analysed and decided upon by the operational commander after consultation with the dog handlers. In the circumstances, there was no reason to use the police service dogs to make arrests. The members of the tactical troop and the members in soft hats were sufficient in number to complete the job. The dog handlers could have been placed on alert to intervene if the situation deteriorated.

During the events in Saint-Simon, seven individuals say they were bitten by a police service dog. Specific complaints were filed with the Commission concerning the treatment suffered by and Christian Noël. These specific complaints are dealt with later in this chapter.

No specific complaint was filed with the Commission concerning the other dog bite victims. However, a number of complaints received by the Commission involved use of the Police Service Dog teams in general and the fact that a significant number of persons present in Saint-Simon were bitten by police service dogs. In this context, it appears to be in the public interest that I comment and draw conclusions, if possible, on the events relating to the other dog bite victims. All the relevant facts relating to these individuals are found in Chapter VIII of this report.

The facts surrounding the arrest of Albertin Albert did not justify immediate intervention by the dog handler. Mr. Albert was in his truck awaiting arrival of the police officers he saw approaching his vehicle. Corporal Chenel, the dog handler, should have waited for the arrival of other police officers. The evidence gathered in this investigation shows no reason for the dog handler's decision to allow his dog to come into contact with Mr. Albert.

Mr. Roger Foulem informed Sergeant Lajoie that he intended to remain on his premises to ensure the safety of his property. A dog handler arrived in the parking lot of Mr. Foulem's plant and met Roger Foulem there. The dog handler, Corporal Chenel, ordered Mr. Foulem to kneel. Mr. Foulem refused and explained to the police officer that he was the owner of the plant. Mr. Foulem was attacked and bitten by Corporal Chenel's dog. Nothing in the evidence shows justification for arresting Mr. Foulem or using the police service dog.

The dog bites suffered by Jean Dominique Mallet and Paul Albert are equally unjustifiable. Mr. Mallet was kneeling in the mud, in compliance with police orders, when he was bitten. Paul Albert had already been arrested when the police service dog bit him.

There was no emergency situation justifying the use of police service dogs in any of the above events. Rather, these facts demonstrate the soundness of Superintendent Boucher's comments to the effect that an agitated police service dog in a crisis situation can suddenly bite an individual without being ordered to do so by his handler.

(iii) Emergency Response Team (ERT)

The Emergency Response Team consists of police force members selected on the basis of rigorous criteria[376] and highly specialized training[377]. These police officers are sharp-shooters/observers called upon to intervene in situations in which armed resistance is anticipated.

New Brunswick special unit management had ordered the mandatory presence of the Emergency Response Team each time the RCMP tactical troop was used in the province. The decision was taken following a 1996 riot relating to the crab fishing crisis in the Acadian Peninsula, during which a police officer was seriously injured.

At the time of the Saint-Sauveur demonstration, there was absolutely no reliable police intelligence giving the police force reason to anticipate armed resistance. Deployment of this unit on May 2, 1997 was totally unjustified.

The events in Saint-Simon were clearly more serious than those in Saint-Sauveur. However, police authorities had no intelligence of possible armed resistance. Furthermore, the police officers had received confirmation from a demonstrator (a member of the Parents' Committee) that that individual had observed no weapon in the possession of the demonstrators. However, the hostile attitude of the demonstrators to the police officers, the presence of masked individuals and the use by at least one demonstrator of a distress signal as a weapon could have raised legitimate concerns in the mind of the tactical troop commander.

Considering the above, presence of the Emergency Response Team at the site may be justified. However, it is difficult to approve the decision to use this special unit of the tactical troop. Members of the Emergency Response Team are usually deployed or mobilized only for specific aims.[378]

I have serious reservations concerning the divisional decision to routinely muster the Emergency Response Team whenever the tactical troop is deployed in New Brunswick. At first glance, the policy appears alarmist.

---

[376] See Manual, chap. 5.G.

[377] See Training Standard, Emergency Response Team (classified document)

[378] See Manual, chap. 5.E.5.

(iv) Use of a Helicopter

A helicopter was used during the Saint-Sauveur demonstration only. According to Inspector Tremblay, "J" Division was lucky to have a helicopter available and it would have been ridiculous not to use it.[379] A helicopter enables police to scout a dangerous site, transport the injured or light up the area with its rotating light.

The helicopter used by "J" Division is a Bell Long Ranger 206L, approximately 50 feet long and 38 feet wide. It can carry seven passengers. As it is an RCMP helicopter, the RCMP colours are painted on its fuselage.

Staff Sergeant Seiffert, the helicopter pilot, states that the purpose of his May 2, 1997 mission in Saint-Sauveur was twofold. First, he was to try and disperse the demonstrators using his rotating light. Second, he was to ensure the safety of RCMP members and the public by shedding light on the demonstration site.[380] Staff Sergeant Castonguay stated that:

> [TRANSLATION]
> ...use of the helicopter was basically to identify potential criminals who could have rifles or other items in the woods – in the woods where we could identify people committing criminal offences, throwing flares or other things...[381]

A little later, he continued, [TRANSLATION] "It lit up the site as well, we used it to light up the site itself to ensure the guys could clearly see what was going on."[382]

On the afternoon of May 2, Staff Sergeant Seiffert and Sergeant Lemay made a reconnaissance flight over the region of Saint-Sauveur. At that time, they wanted to familiarize themselves with the area and identify piles of material that could have been used to light fires.

On the evening of May 2, Staff Sergeant Seiffert was again seconded by Sergeant Lemay, who was responsible for operating the rotating light. The wind was approximately 30 knots, forcing Staff Sergeant Seiffert to fly closer to the ground. According to Staff Sergeant Seiffert, the aircraft was about 800 feet above the crowd. Communications with the tactical troop were handled by Sergeant Lemay.

When the helicopter arrived in Saint-Sauveur, it flew over the crowd of demonstrators occupying Highway 160. Staff Sergeant Seiffert states that Sergeant Lemay had shed light on the crowd as they flew over in the hope of dispersing the demonstrators.

---

[379] René-Pierre Tremblay, Appendix P5, p.25.
[380] Steve L. Seiffert, Appendix P76, p.5.
[381] Charles Castonguay, Appendix P2, p.87.
[382] Charles Castonguay, Appendix P2, p.89

Staff Sergeant Seiffert states that he brought his helicopter closer to the ground following the demonstration to try and identify suspects. This part of the operation occurred above the woods near the school. At that time he brought the helicopter down to about 400 feet.

The helicopter was in the air in the Saint-Sauveur area for approximately one hour and forty-five minutes. As the craft is noisy, and huge, it is not surprising that it was perceived as a threat by the people of Saint-Sauveur. As in the case of the tactical troop, it would have been preferable to try and resolve the situation through negotiation and intervention by members in soft hats before bringing in a helicopter.

C) Provocation and Intimidation by RCMP Members

A number of complaints relating to the Saint-Sauveur events allege that RCMP intervention and its imposing presence on May 2, 3 and 4 were a form of provocation and intimidation. Some complaints allege that the presence of identification unit cameras during the demonstration was intimidating and unjustified.

I have already dealt with the police presence and use of the special unit on May 2. The question of arrests and roadblocks in Saint-Sauveur is covered in detail in a later section of this report. Here, the question is whether the police presence in Saint-Sauveur on May 3 and 4, 1997 was excessive.

Following the May 2 demonstration, an RCMP patrol team was formed to maintain the RCMP presence in Saint-Sauveur. It must be noted that there is no RCMP detachment in Saint-Sauveur.

On the morning of May 3, local RCMP management analysed the situation and decided to disband the special unit so that unit members could go home. Corporal Laliberté contacted Thérèse Albert and learned that another meeting of parents and citizens had been called. The two agreed to meet in Saint-Sauveur late in the afternoon. When Corporal Laliberté arrived, Ms. Albert was not there, and he had to deal with some 20 individuals who told him that police officers were no longer welcome in Saint-Sauveur.

At approximately 3:00 p.m. on May 3, Thérèse Albert and a few other parents organized another demonstration, this time a motorcade of some 50 vehicles. The vehicles headed toward Saint-Sauveur honking their horns and attracting the attention of community members. The police did not intervene, even though the demonstrators were using Highway 160. The demonstration was without incident and the participants returned to the school when it was over.

Beginning at 3:50 p.m., the RCMP started receiving disquieting intelligence. Its Tracadie-Sheila office was notified by Sergeant Boucher that the Bathurst municipal police force had been informed by an individual that the demonstrators, who had not been well-prepared during the May 2 demonstration, were now fully prepared. At approximately 6:30 p.m., another individual reported to the RCMP that the Saint-Sauveur bridge would be blown up.

Around 8:30 p.m., individuals started another fire on Highway 160 in Saint-Sauveur. Between 30 and 50 individuals attended the demonstration and some had their faces covered. Highway traffic was again disrupted. The police officers decided not to intervene at the site of the fire.

Corporal Laliberté's notes indicate that Constable Normand Hébert of the Bathurst Detachment was informed that a potential agitator had been seen with a paper bag containing grenades. A demonstrator later informed the Commission investigators that he had seen a demonstrator in possession of a grenade on the evening of May 3 at the Saint-Sauveur demonstration.

At about 11:30 p.m., another report was received at the RCMP Tracadie-Sheila office to the effect that some demonstrators had flares and at least one cylinder that could be dynamite. Finally, a police officer with the Bathurst Detachment reported to the Tracadie-Sheila office that he had received a message to the effect that there was stolen dynamite near the school and the church.

In light of the preceding events, it was completely reasonable for RCMP management to ensure a major police presence in Saint-Sauveur on May 3 and 4, 1997. It is understandable that honest and law-abiding citizens may have interpreted the police presence as a type of provocation. However, this presence, including identification unit members, was justified and essential. Its objective was to protect the public and maintain order.

One specific complaint requires some comments. Karine Noël (complaint 16) complains that, on the afternoon of May 3, when members of her family were in their own yard demonstrating against the government decision to close their school, an unidentified police officer approached to inform them that wearing a hood was prohibited. As the only person wearing a hood was the complainant's 10-year-old brother, the child's father was upset. The police officer obviously should have used better judgement in the circumstances. It should have been obvious that the boy was not preparing to commit a criminal offence: he was simply participating in a peaceful family demonstration on his parents' property.

D) Use of La Découverte School as RCMP Command Post

The May 3 demonstrations in Saint-Sauveur plus the intelligence received by the RCMP convinced Staff Sergeant Castonguay of the need to recall the RCMP Special Unit. Inspector Tremblay authorized the recall at 9:35 p.m. on May 3. The members of the special units were ordered to muster in Tracadie-Sheila on Sunday morning.

Staff Sergeant Castonguay deemed it necessary to bring the special unit closer to Saint-Sauveur. According to him, it was decided to station the police officers in the school, as he feared it would be destroyed.[383] An RCMP member contacted the Superintendent of the school district,

---

[383] Charles Castonguay, Appendix P2, pp. 97 & 101.

Keith Coughlan, for permission to use La Découverte school as the special unit command post. Permission was given. It must be recalled that New Brunswick school premises are the property of the Department of Education.

The police obtained the keys to the school from the principal, Marcelle Lanteigne, and the janitor, and the special unit command post was set up in La Découverte school at 11:30 a.m. on May 4, and used until approximately 8:00 p.m. that same evening. The joint press conference given by representatives of the parents and the RCMP was held there Sunday evening.

The government decision to close La Découverte school was the major concern of Saint-Sauveur citizens, for whom closure of the school raised legitimate concerns about the quality of their children's education and long-term survival of the community. To the community, this building was more than a symbol, it was the *raison d'être* of the demonstrations. Furthermore, the premises were used for the Save-Our-School Committee and other community meetings.

In this context, it is not surprising that a number of citizens reacted negatively to the police decision to take over this building as its command post. There is no evidence that the decision by police authorities to use the school as command post was made with the aim of frustrating, intimidating or provoking the citizens of Saint-Sauveur. For the police, this was an administrative decision that was part of the process of bringing the RCMP Special Unit closer to Saint-Sauveur.

However, the RCMP decision does denote a certain insensitivity toward the people of Saint-Sauveur. Corporal Laliberté and Staff Sergeant Castonguay knew the school was used by the parents of Saint-Sauveur and that closure of the building was at the heart of community concerns. RCMP management should have demonstrated greater sensitivity for the situation. Staff Sergeant Castonguay's concern relating to possible destruction of the school could have been addressed simply by posting several RCMP members at the site.

3. Excessive Roadblocks (Complaints 3, 10, 20, 21, 22, 26, 45, 46, 66 and 70)

The Commission received ten complaints from residents of Saint-Sauveur to the effect that members of the RCMP were not justified in setting up roadblocks or checkpoints at either end of the village of Saint-Sauveur on May 3 and 4, 1997. These complaints are all general in nature with the exception of the complaints submitted by Silvère Duguay (complaint 3), Albina Duguay (complaint 21) and Lucienne Duguay (complaint 66). These three complainants state that they were unduly delayed at the intersection of Highway 160 and the main Allardville road on the evening of May 3. The complainants were returning from an evening dance in Beresford, N.B., and they wanted to go home but were stopped at the checkpoint.

The RCMP Tracadie-Sheila Detachment received numerous pieces of disturbing information during the course of the day of May 3. This information justified an increased presence of police in that community.[384] Superintendent Séguin explains the authority under which the RCMP established roadblocks:

> ...you can stop vehicles under the *Motor Vehicle Act* and request from a driver the proper documentation for the vehicle and, at that point, if grounds can be made from that road check that there's any difficulty then the police would act on it based on that. But there would definitely have to – to pursue anything any further than that, there would have to be grounds.[385]

In light of the intelligence obtained by RCMP authorities, it appears reasonable and in accordance with the law[386] that the RCMP erected roadblocks, or checkpoints, to ensure that vehicles driving in the immediate area were rightfully there. It is normal for citizens, such as Diane Haché (complaint 26) to be somewhat inconvenienced by these checkpoints.

None of the complaints received by the Commission talk about personal searches. As a result, I can only comment on the question by reminding the complainants and RCMP members of the general principles as summarized in Chapter X of this report.

Finally, I understand the frustration of those complainants who were unable to return home as quickly as they would have liked after their evening dance. It should be pointed out that a fire had been lit unlawfully on Highway 160 in Saint-Sauveur and a suspect crowd was near the fire. The police officers feared for the security of travellers and their vehicles. In such circumstances, it was prudent for the RCMP to intercept vehicles and stop them from proceeding into a potentially dangerous area.

Based on the information collected during this investigation, nothing leads me to conclude that RCMP members' conduct at the roadblocks was wrongful.

As a result, I find no justification for complaints to the effect that RCMP members acted improperly in setting up highway checkpoints in Saint-Sauveur on May 3 and 4, 1997.

A number of the individuals arrested and injured in Saint-Simon were onlookers or individuals who stated that their presence at the demonstration sites was inadvertent. It is alleged in the statement of some of these individuals that arrest and injury could have been avoided if the police forces present in Saint-Simon had set up adequate roadblocks.

The Caraquet Municipal Police officers and RCMP members erected the first checkpoint to the north of the demonstration at the time Constable Alain Tremblay arrived at the demonstration site near the Bernard bridge. A review of the evidence indicates that this checkpoint was effective and that no other vehicle, with the exception of patrol cars and vehicles carrying the special unit, was able to reach the demonstration site by way of Highway 335 from Bas-Caraquet or Caraquet.

---

[384] See section on "RCMP Provocation and Intimidation"
[385] Michel Séguin, Appendix P85, pp. 42-3.
[386] See Chapter 12.

The RCMP members set up two other checkpoints south of where the demonstration was taking place. The first was set up at the intersection of Blanchard Road and Highway 11; the second at the intersection of Blanchard Road and Highway 335. Following this, the police officers at these two checkpoints approached the site of the demonstration and set up another checkpoint near the church in Saint-Simon. This was an excellent spot as it was near the demonstration and it was brightly lit.

The RCMP members present at the checkpoint near the church were eventually threatened by a group of unidentified individuals. Given the large number of individuals, the police officers were obliged to leave the site and the checkpoint. It was undoubtedly after the departure of the RCMP that a number of vehicles were able to drive onto Highway 335 toward the demonstration.

4. Detentions, Injuries and Property Damage

During the events at Saint-Sauveur and Saint-Simon, a number of individuals were detained, arrested or injured, while others suffered property damage. The Commission received specific complaints relating to some of these events. This section is restricted to the complaints received (complaints 1, 5, 9, 10, 11, 19, 24, 28, 29, 35, 41, 46, 47, 49, 51, 56, 68, 147, 149, 150, 151, 152, 153, 154, 156, 157, 158, 159, 160, 161, 162, 164, 167, 169 and 170).

I would like to point out that other individuals were also arrested at the time of the events in question. As these cases have not been referred to the Commission, they are not discussed here. Nevertheless, they may have been the object of comments made in preceding sections, when the context was appropriate.

A) Saint-Sauveur

The police made four arrests of alleged demonstrators (Bruno Comeau, Bruno Chiasson and Éric Boudreau) on the evening of May 2, 1997. The facts relating to these arrests are described in Chapter VI of this report. Three of those arrested filed complaints. The police officers also arrested Serge Hébert on the evening of May 3, and René Hébert, Marcel Doiron and Clarence McLaughlin on Sunday, May 4, 1997. The Commission also received complaints concerning the injuries suffered by the young Annik Mallet on the evening of May 2, 1997. Other complaints add Sonia Hébert, Sylvie Noël and her brother, Yves Noël, as individuals who were affected by tear gas bombs. Finally, two complaints were received regarding damage or potential damage to vehicles.

(i) Bruno Comeau (complaint 5)

Bruno Comeau is 30 years of age. He is 5 feet 8 inches tall and weighs 140 pounds. He is married to Pascale Comeau and the couple lives in Saint-Sauveur. On the evening of May 2, Mr. Comeau attended the community meeting at La Découverte school. Following the meeting, he admits taking part in the demonstration. When the group of demonstrators arrived near the entrance to the school, Mr. Comeau learned that the tactical troop was preparing to intervene. At that time, the troop had not yet been deployed. Mr. Comeau immediately left the highway and went to his truck to wait for the events to be over. When the tactical troop was deployed, Mr. Comeau got into his truck because he thought it was more prudent to remain there than to follow the demonstrators into the school.

While he was waiting for the situation to calm down, Mr. Comeau suddenly saw an unidentified dog handler open his door; the man spoke to him in English. Although Mr. Comeau is not fluent in English, he tried to explain himself but, before he had finished, he was ordered to stop his engine. Mr. Comeau barely had time to do so when he was seized by the dog handler and hauled out of his vehicle. According to Mr. Comeau, the police service dog jumped on him, but did not bite him. Constable Luc Touchette walked toward Bruno Comeau's white truck; Mr. Comeau was arrested. The police officers handcuffed him and he was driven to the Tracadie-Sheila Detachment by Constable Denis Paradis. Mr. Comeau was photographed and taken into custody for mischief. He was allowed to make a telephone call, but was unable to reach his wife. (During this time, according to Mrs. Comeau, she was desperately looking for her husband). Mr. Comeau was not released until Saturday at about 1:30 p.m. No charge was laid.

According to Mrs. Comeau, her husband came home exhausted and traumatized by the events. He was crying and had to go to bed. Mrs. Comeau was extremely frightened for her husband. When she learned her husband had been arrested by the police, she even fainted.

When Mr. Comeau was arrested by the dog handler, he was in his vehicle parked in the school parking lot. At that time, the police officers had no evidence that Mr. Comeau had committed or was about to commit any offence. In fact, Mr. Comeau left the highway where the demonstrators were marching and got into his truck before the arrival of the tactical troop.

Mr. Comeau definitely has grounds for complaint about his treatment by the police officers in question. In his opinion, there was no reason for his arrest. The police officers had no evidence that Mr. Comeau had taken part in an unlawful assembly. Mr. Comeau was simply sitting in his vehicle when he was arrested. There was nothing to justify the intervention of the dog handler in Mr. Comeau's arrest; fortunately he was not bitten. Use of a police service dog in these circumstances was excessive use of force. Finally, Mr. Comeau remained in prison for approximately 14 hours without being told the grounds for his arrest. I conclude that Mr. Comeau's arrest and detention were unjustified.

No police officer involved in this arrest filed a report concerning his involvement. Furthermore, the Prisoner Report on Mr. Comeau is incomplete.

(ii) René Hébert (complaint 9)

René Hébert went to the community meeting in Saint-Sauveur on the evening of May 2, 1997. Mr. Hébert admits taking part in the demonstration. He states that he left the demonstration site with the crowd following arrival of the tactical troop. At that time, he took refuge in the school with other community members. Following negotiation between parent and police representatives, he simply drove his vehicle home.

On Sunday morning, according to Mr. Hébert, he went to pick up a friend, Marcel Doiron, to drive him to a garage where the latter had left his vehicle. Mr. Hébert was stopped by an unidentified police officer for speeding. Mr. Hébert told the police officer that he was driving under the limit in an 80-km/h zone. The police officer, unfamiliar with the area, admitted his error, but believed he recognized Mr. Hébert and Mr. Doiron as demonstrators at the Friday evening events. He therefore immediately arrested the two individuals and, after handcuffing them, took them to the Tracadie-Sheila Detachment. Mr. Hébert and Mr. Doiron were incarcerated at 2:00 p.m. Both were informed of their right to call a lawyer. Mr. Hébert states that the member in charge informed him that he was going to [TRANSLATION] "view the tape and check to see whether – it's really you on the tape and all that."[387]

Mr. Doiron had not taken part in the demonstration. He had simply observed the demonstration from the Shell garage about half a kilometre from the school. A number of police officers, with whom he was chatting when the tactical troop was deployed, were there with him. Mr. Doiron was released at 2:40 p.m. after one of the police officers, Constable Claude Robichaud, identified him as a non-participant in the demonstration.

According to Mr. Hébert, he had to wait several hours in prison before being released or even informed by the police officers that they had made a mistake. Mr. Hébert adds that the police officers did not apologize or even offer to drive him back to Saint-Sauveur.

The conduct of police officers toward René Hébert is completely unacceptable. The officers had no reasonable grounds for arresting René Hébert and Marcel Doiron on May 4, 1997. These individuals were imprisoned without police having any evidence whatsoever that either one had committed an offence. At the time of their arrest, there was no demonstration in progress. As a result, there was no breach of the peace that would have justified detention of the two individuals.

No police officer involved in these arrests filed a report on his or her participation. The Prisoner Reports are also incomplete.

---

[387] René Hébert, Appendix 44-Sa, p.13.

(iii) (complaint 51)

was years old at the time of the events. On the evening of May 2, 1997, he took part in the demonstration in Saint-Sauveur and took refuge in the school with the other demonstrators. Following the discussions of parent and police representatives, Mr. left the premises in the company of his friend Bruno Chiasson and went home. Shortly thereafter, the two young men returned to the site of La Découverte school to pick up the vehicle belonging to Bruno Chiasson's father.

In the first allegation of his complaint, Mr. claims to have been brutally arrested by the police officers. He says that when he arrived at the school site, he was identified by Inspector Tremblay as a demonstrator and he was arrested. According to Bruno Chiasson, He was nonetheless arrested, but not handcuffed,[388] and subsequently driven to the RCMP Tracadie-Sheila Detachment where he was taken into custody. Mr. was informed of his right to call a lawyer. He declined, and instead called Jean-Guy Sonier, chief of the Saint-Sauveur fire brigade. The latter immediately informed that his son had been taken into custody. The father went to the police station, but was unable to have his son released immediately. was released at noon the next day. I conclude that the evidence indicates no use of force associated with Mr. arrest.

A second aspect of complaint is his statement that he was searched by three police officers. As discussed in Chapter X, a police officer who arrests an individual also has the power to search the prisoner to ensure the prisoner's safety, that of other police officers, and the public. The sole fact that three police officers searched Mr. is not evidence that the search was unreasonable. Because there is no proof of excessive force being used by the police officers, this aspect of the complaint is also unfounded.

A third allegation by is that he was obliged to spend the night in prison even though his parents came to pick him up at the Tracadie-Sheila RCMP Detachment. The Prisoner Report on Mr. indicates "awaiting father to pick him up" as grounds for imprisonment. However, the Prisoner Report indicates that Mr. was not released until 12:10 p.m. on Saturday, May 3, 1997. There are no grounds stated on the file for the continued detention of after his father came to get him. states that, when he arrived at the detachment, at about 11:30 p.m., he asked the police officer if he could see his son and if the latter would be released. The officer responded in the negative to both questions.

---

[388] Bruno Chiasson, Appendix 72-Sa, p. 19.

This aspect of Mr. complaint must be analysed in light of subsection 495(2) of the *Criminal Code of Canada*. The relevant provisions read as follows:

> (2) A peace officer shall not arrest a person without warrant for
> (a) an indictable offence mentioned in section 553;
> (b) an offence for which the person may be prosecuted by indictment or for which he is punishable on summary conviction, or
> (c) an offence punishable on summary conviction,
> on any case where
> (d) he believes on reasonable grounds that the public interest, having regard to all the circumstances including the need to
> (i) establish the identity of the person,
> (ii) secure or preserve evidence of or relating to the offence, or
> (iii) prevent the continuation or repetition of the offence or the Commission of another offence,
> may be satisfied without so arresting the person, and
> (e) he has no reasonable grounds to believe that, if he does not so arrest the person, the person will fail to attend court in order to be dealt with according to law.
>
> (3) Notwithstanding subsection (2), a peace officer acting under subsection (1) is deemed to be acting lawfully and in the execution of his duty for the purposes of
> (a) any proceedings under this or any other Act of Parliament; and
> (b) any other proceedings, unless in any such proceedings it is alleged and established by the person making the allegation that the peace officer did not comply with the requirements of subsection (2).

One of the offences listed in s. 553 is "mischief under subsection 430(4)." Sections 496 and 497 also apply here. These provisions read as follows:

> 496. Where, by virtue of subsection 495(2), a peace officer does not arrest a person, he may issue an appearance notice to the person if the offence is
> (a) an indictable offence mentioned in section 553,
> (b) an offence for which the person may be prosecuted by indictment or for which he is punishable on summary conviction, or
> (c) an offence punishable on summary conviction.
>
> 497. (1) Where a peace officer arrests a person without warrant for
> (a) an indictable offence mentioned in section 553,
> (b) an offence for which the person may be prosecuted by indictment or for which he is punishable on summary conviction, or
> (c) an offence punishable on summary conviction,
> he shall, as soon as practicable,
> (d) release the person from custody with the intention of compelling his appearance by way of summons, or
> (e) issue an appearance notice to the person and thereupon release him,
> unless
> (f) he believes on reasonable grounds that it is necessary in the public interest, having regard to all the circumstances including the need to
> (i) establish the identity of the person,
> (ii) secure or preserve evidence of or relating to the offence, or
> (iii) prevent the continuation or repetition of the offence or the commission of another offence,

> that the person be detained in custody or that the matter of his release from custody be dealt with under another provision of this Part, or
>
> (g) he believes on reasonable grounds that, if the person is released by him from custody, the person will fail to attend court in order to be dealt with according to law.
>
> (1) [...]
>
> (3) A peace officer who has arrested a person without warrant for an offence described in subsection (1) and who does not release the person from custody as soon as practicable in the manner described in paragraph (*d*) or (*e*) of that subsection shall be deemed to be acting lawfully and in the execution of his duty for the purposes of
>
> (a) any proceedings under this or any other Act of Parliament; and
>
> (b) any other proceedings, unless in any such proceedings it is alleged and established by the person making the allegation that the peace officer did not comply with the requirements of subsection (1).

These provisions recognize that a police officer may not arrest an individual without a warrant for the offences in question unless it is necessary in order to identify the suspect and to ensure his appearance before a judge. Section 496 confirms that, even if a peace officer does not arrest a person, he may issue an appearance notice to the person. Finally, section 497 adds that, where a peace officer arrests a person without warrant for the same offences contemplated in subsection 495(2), he is required to release the person "as soon as practicable" after the measures required to compel his appearance have been taken. It appears that, in the case of Mr. none of these provisions was taken into account.

I conclude that Mr. should have been released "as soon as practicable" and that that point in time occurred after the police officers identified him. I further conclude that Mr. should have been allowed to leave the RCMP Tracadie-Sheila Detachment when his father arrived to have him released.

(iv) Annik Mallet, Sonia Hébert, Sylvie and Yves Noël (complaints 19, 28, 29, 35, 46 and 47)

These complaints are to the effect that the persons in question were struck by tear gas cartridges. At the time of the events, Annik Mallet and Sonia Hébert were 16-year-old students. They stated that they participated in the May 2, 1997 Saint-Sauveur demonstration. When the tactical troop arrived at the site, they moved toward the La Découverte schoolyard in the company of Sylvie Noël and Yves Noël. They had gone about 30 feet into the schoolyard when tear gas launchers fired cartridges toward the demonstrators in the schoolyard.

Annik Mallet and Sonia Hébert stated that they were walking in a northerly direction, i.e. toward the school. At some point, Annik Mallet turned to talk to her friend Sonia Hébert. At that moment, a tear gas cartridge hit Ms. Mallet on her lower left cheek.[389] The cartridge continued along its route and appears to have grazed Sonia Hébert.[390]

---

[389] Annik Mallet, Appendix 47-Sa, p.6.

[390] Roger Hébert, Appendix 43-Sa, p.9.

The two girls then took refuge in the school. Annik Mallet went to the washroom to check her injuries and get first aid from Marcelle Lanteigne, the principal. Fortunately, neither girl suffered serious injury.

Sylvie Noël states that she and her brother were also struck by a cartridge but were not seriously injured.

I have already concluded that deployment of the tactical troop was premature. I have also concluded that the police did not sufficiently warn the demonstrators of their intentions. It is also clear that the police officers did not give the demonstrators, persons of all ages, sufficient time to disperse before firing their cartridges. It should be noted that tear gas guns are not precision weapons. As accuracy is not one of their strong points, they must be used with great care by their operators. I must conclude that the tactical troop commander did not follow the directives in the Manual, i.e. "warn the crowd to disperse peacefully and give the crowd time to disperse."[391] I conclude that failure to comply with the directive was the cause of Annik Mallet, Sonia Hébert, Sylvie Noël and her brother, Yves Noël being struck by cartridges.

(v) Rhéal Ferron et Conrad Lanteigne (complaints 24 and 28)

Rhéal Ferron was the owner of a Chrysler New Yorker at the time of the May 2, 1997 demonstration in Saint-Sauveur. He had parked his car in the La Découverte school parking lot and taken part in the demonstration. According to Mr. Ferron, the tear gas launchers fired cartridges toward the crowd that was moving toward the school. According to Mr. Ferron, cartridges fell near the vehicles parked in the schoolyard. One of them fell close to Mr. Ferron's car without causing any damage.[392]

Conrad Lanteigne, for his part, states that a tear gas cartridge fell on his car parked in the La Découverte schoolyard on the evening of May 2, 1997. According to Mr. Lanteigne, the cartridge caused damages to his vehicle valued at $350. The documents reviewed by the Commission contain nothing about a claim by Mr. Lanteigne against the RCMP.

I have previously dealt with the decision by the operational commander to allow tear gas launchers to fire cartridges toward the crowd before it had time to disperse. The conclusions on that issue apply to these complaints as well.

B) Saint-Simon

At the time of the May 4, 1997 events in Saint-Simon, 12 persons were arrested and taken into custody. Four others were arrested and released a few minutes later. No charges were ever laid against these individuals. For various reasons, the RCMP investigators were unable to identify the police officers who made the arrests.

---

[391] Manual, chap. 4, G.2.

[392] Rhéal Ferron, Appendix 19-Sa, p.13.

Firstly, the members of the tactical troop were all dressed alike, i.e. they were wearing the troop uniform and gas masks. These uniforms are indistinguishable one from the other and bear no visible identification. In other words, the police officers operate anonymously.

According to Inspector Tremblay, the decision to have tactical troop members work anonymously was made in the mid '90s.[393] Inspector Tremblay indicated in his statement that he saw no good reason that could justify such a policy.[394]

Secondly, the *Tactical Operations Manual* specifies that, during demonstrations, a photograph of the prisoner is to be taken with the arresting officer. This was not done. Furthermore, the police officers did not bother to number the plastic handcuffs they were using. Compliance with this procedure as specified in the *Tactical Operations Manual* would have enabled the investigators to identify the police officers involved in the arrests.

Thirdly, there is the deliberate omission by police officers to complete the appropriate reports (Continuation Report, personal notes) giving details of their involvement in the Saint-Simon events, as required by police practice. Finally, the Prisoner Reports were seriously deficient.

Most of the police officers who made arrests in Saint-Simon were members of the tactical troop. After the arrests were made, the prisoners were turned over to the members of the arrest team responsible for moving them to the police station.

The Manual stipulates that, when a troop member makes an arrest, "the prisoner must be handed over at once to an arrest team member, who will record the troop member's name before handing the prisoner over to the processing team."[395] Chapter 4 of the Manual also specifies that:

> K.1. Arrest Team
>
> a. For court purposes, arrest-team members must be linked to the prisoners they arrest and any related evidence.
>
> 1. The linkage is provided by numbering the plastic handcuffs and recording the name of the member they are assigned to.
>
> b. Prisoners must be taken to the rear of the troop immediately and handed over to the processing team.
>
> 1. When possible, a photograph of the prisoner is to be taken, showing any evidence and the arresting officer.

These directives were not followed in Saint-Simon, nor indeed in Saint-Sauveur.

---

[393] René-Pierre Tremblay, Appendix P5, p. 150.
[394] Ibid, p.150.
[395] Manual, Chap. 4, K.2.a.

(i) Géraldine Hébert (complaint 147)

Ms. Hébert states that she went to the Saint-Simon demonstration site accompanied by the , and the latter's friend, The two young men had convinced Ms. Hébert to go and see what was happening at the demonstration. They took Highway 335 toward Caraquet. When they arrived at Roger Foulem's fish plant, Ms. Hébert parked her vehicle in the plant yard. She stayed on the premises for about 10 minutes. She then asked who was outside the vehicle, to get back in. was already in the vehicle.

Ms. Hébert remembers that, as she was about to leave the site, the police arrived in the yard. A number of police officers surrounded Ms. Hébert's vehicle and ordered her to stop, which she did without protest.

Ms. Hébert was ordered to get out of the vehicle and lie on the ground. She complied with the first demand, but refused to lie on the ground as the fish plant yard was covered in mud. She did kneel, however. She was released soon after when Constable McGraw arrived and informed the other officers that he knew Ms. Hébert and that she was not involved in the demonstration.

Ms. Hébert adds that she immediately stopped the engine of her vehicle when she was ordered to do so by the police officers. She also got out of the car on being so instructed. While she was on the ground, Corporal Maillet spoke briefly with Ms. Hébert. She stated that she had simply been an onlooker and had done nothing. Corporal Maillet responded that the police officers had no way of knowing this to be true, and Ms. Hébert answered that she understood.

It is difficult to understand why the police officers ordered Ms. Hébert to lie on the ground. She was putting up no resistance and nothing indicates that the officers could have had reasonable grounds to believe that she posed a threat of any kind.

Consequently, I must conclude that the police officers went too far when they ordered Ms. Hébert to lie down in the mud: there was no justification for such a demand. Neither do the facts justify her being obliged to kneel. The orders given to Ms. Hébert by the police officers can be described as oppressive conduct. Furthermore, the lack of Continuation Reports and personal notes by the police officers involved in this incident is deplorable.

(ii) (complaints 147, 149, 150, 156, 157, 160, 161, 162, 164 and 167

was years old at the time of the Saint-Simon events and a Grade 10 student. On the evening of May 4, 1997, he was at home when he saw a number of police cars drive past the house. After making a few telephone calls, he learned that there was a demonstration in Saint-Simon and the tactical troop had been called to the site. His friend arrived at his house. Shortly thereafter, Géraldine Hébert, . got home from work. The two young men convinced Ms. Hébert to go and see what was going on at the demonstration.

According to , Ms. Hébert drove down Highway 335 in the direction of Caraquet to get to the demonstration site. There was no longer a checkpoint at the corner where the church in Saint-Simon is situated. Ms. Hébert drove her car as far as Roger Foulem's fish plant and parked in the plant yard. As she was parking her car, the police officers were considerably further along Highway 335. adds that, when Ms. Hébert saw the police officers moving toward the plant, she wanted to leave and go home. The police officers arrived before she did and the vehicle was stopped. Ms. Hébert turned off the engine when the police officers ordered her to do so.

describes the events as follows:

> [TRANSLATION]
> ... was sitting alone in the back, I was in the [front] passenger seat and Géraldine was driving. The police officers opened my door and got me out. They put me in front of the police cars and told me to spread my legs. Then the dog bit the back of my leg. I moved aside a bit and turned in reaction to the bite by the dog. Then the dog bit me on the front of the knee. I have no idea how I got the third bite or the scratch under my arm, but they happened during this incident. The police officers, four in all, were all around me. They put me to the ground and I hesitated because I didn't want to be bitten by the dog, especially not on the face. When I moved, the police officers hit me with their batons. They tied my hands behind my back with tie wraps, and lifted me up by the wrists. They put me into a police car and, when the car was full, drove to the RCMP office in Tracadie.[396]

The evidence in the file is insufficient to identify the police officers who arrested or to determine whether or not a baton was used. The statement of Géraldine Hébert tends however to support statement, when she states that [TRANSLATION] " and , both of them, they had policemen all over them and they put them up against the car and then they hit them between the legs with their batons."[397]

Nothing in the evidence collected indicates that attempted to resist the police officers. Mr. had no opportunity to explain himself or obey the orders of the police officers. He was hauled out of the vehicle for no valid reason. There is no evidence or fact to show that the police officers were in any danger. There was no reason to use a police service dog or even allow a police service dog near

The treatment of by the dog handler and other unidentified police officers on the evening of May 4, 1997 was completely unjustified. The actions of the police officers and the dog handler's lack of control of his animal were excessive and totally unacceptable. These police officers used excessive force that was not justified in the circumstances. The lack of both Continuation Reports and personal notes by the police officers involved in this incident is also deplorable.

---

[396] Statement by , documents received in September 1998, p.413.

[397] Géraldine Hébert, Appendix 2A-Si, p.4.

(iii) (complaints 147, 149, 150, 152, 154, 156, 159, 160, 161, 162, 164 and 167)

was the third person travelling in Géraldine Hébert's vehicle. He was sitting in the rear of the car on the right. At the time of the events, Mr. was a old. When Géraldine Hébert stopped the car, the police officers surrounded it. According to , he heard the police officers yell [TRANSLATION] "get out, get out". describes what happened after that as follows:

> [TRANSLATION]
> A policeman opened the car door and before I could get out the police dog got in the car and bit me on my right forearm. I got out and another dog bit me on the right leg. The first dog, the one who bit me in the car, was black. The second dog was a German Shepherd. Four policemen leaned me up against Géraldine's car. Then they threw me to the ground. I offered no resistance and I didn't fight back. After that they handcuffed me, with plastic handcuffs. There were two holding me by the shoulders and two putting on the cuffs. When I tried to get up or turn, one of them hit me on the back of the head twice with a baton. After that they lifted me up and put me in the police van. A policeman took me and two other prisoners to Caraquet. They put me in a cell at the Caraquet municipal police station. I was there for about five minutes and then they took me to the Tracadie hospital to have the bites treated. Then they took me to the RCMP Detachment in Tracadie. Then they released me. I had to go back to the hospital about seven times to have my injuries checked.[398]

version of the facts is fully compatible with the injuries he received and reported to the medical authorities on the evening of May 4, 1997.

My investigation revealed that the two police officers who arrested after he had been bitten by a police service dog were Corporal Jurcina and Constable Perriard. These are the two officers who attempted to push to the ground to handcuff him. The officers were assisted by Constable Mark Janes, who put his knee on back to force him to lie on the ground. In the process, suffered a second dog bite.

There is no evidence that attempted to resist the police officers. Even if he had, Mr. would have been acting in self-defence as he had been bitten twice by the police service dogs. There is no evidence in the file indicating that the police officers were faced with a dangerous situation.

The actions of the police officers and dog handlers toward can only be described as an excessive use of force and the arrest of as unjustified.

Here again, I note the absence of police reports detailing the arrest of , a deplorable situation. was a minor at the time of the events. It is incomprehensible that police officers who participated in the violent arrest of an adolescent did not deem it necessary to prepare detailed incident reports.

---

[398] Statement of , May 28, 1997

The absence of police reports detailing the events effectively prevented the Commission from positively identifying the dog handlers involved in the arrest of It was only after exhaustive investigation that the Commission was able to identify the other officers involved in the arrest of

(iv) Christian Noël (complaints 149, 150, 156, 160, 161 and 167)

At the time of the events in Saint-Simon, Christian Noël was a resident of the village of LeGoulet, located approximately 20 minutes from Saint-Simon. Mr. Noël went to the site of the Saint-Simon demonstration on the evening of May 4, 1997. He was present at the second fire started by the demonstrators.

When the police officers marched toward the second fire, Mr. Noël got into his vehicle and slowly backed up as far as Roger Foulem's fish plant. The police officers eventually marched as far as the fish plant where they stopped Mr. Noël. The facts regarding his arrest are summarized in Chapter VIII of this report.

When the Commission investigators met Mr. Noël, he had already hired a lawyer. On the latter's suggestion, he gave only a very brief oral statement to the Commission investigators. Mr. Noël, as mentioned, preferred to use the services of a lawyer and bring a suit against the police officers who participated in his arrest. Mr. Noël's civil action was commenced on February 26, 1999.

The first police officer who stopped Christian Noël was a dog handler, most probably Corporal Pierre Gardner accompanied by his police service dog Branco. The dog handler stopped Mr. Noël as the latter was slowly backing up his car. As soon as Mr. Noël stopped his car, the dog handler opened the driver's door and the police service dog entered the car. The dog grabbed Mr. Noël by the left arm. Mr. Noël refused to get out of the vehicle and said he was innocent.

Constable Richard Ross intervened to assist the dog handler. Constable Ross got Christian Noël out of the vehicle. At that time, Constable Alain Tremblay and a Caraquet Municipal Police officer intervened to subdue Mr. Noël, arrest him, handcuff him and place him in a patrol car. In the process, Mr. Noël was bitten by a police service dog. His lip was cut and the tip of his nose was fractured.

There is no reason in the circumstances surrounding the arrest of Christian Noël that could justify the use of a police service dog. Mr. Noël had not threatened the police officers and did not represent an imminent danger. It was normal for him to try and protect himself from attacks by the police service dog. This is a reasonable explanation for his refusal to get out of his car.

I conclude that the dog handler displayed an excessive use of force when he threw open the door of Mr. Noël's car and allowed his police service dog to enter and attack Christian Noël. The actions of Constable Richard Ross and Constable Alain Tremblay in this incident were also excessive as the file shows no evidence to justify the strong-arm tactics by these police officers. I also find it deplorable that no police reports were submitted about police participation in the arrest of Christian Noël.

(v) Pierre Lanteigne (complaints 151, 153 and 158)

Pierre Lanteigne took part in the Saint-Simon demonstration. He was present at the first fire when the tactical troop was deployed at the site. When the first tear gas cartridges were fired, Mr. Lanteigne decided to leave and got into his vehicle with his sister. Mr. Lanteigne was unable to leave the site as a large number of individuals were running around his pick-up truck. He decided to back up into Mr. Éloi Albert's yard which is close to the site of the fire.

Pierre Lanteigne states that he was patiently waiting for the situation to cool down. He was sitting in his truck with his seat belt done up when several police officers, including Constable Renaud Bourdages, approached. All of a sudden, his door was opened by one of the officers and he was pulled out of his vehicle and thrown to the ground by the officers. According to him, he was given no advance warning or order by the police officers. Witnesses at the site confirm that at no time did Mr. Lanteigne offer any resistance to the police. Hédard Albert stated that he did not witness any violence or blows given by RCMP members at the time of Pierre Lanteigne's arrest.

In the circumstances and considering the statements of independent witnesses, I accept Mr. Lanteigne's statement.

The police officers had no grounds for arresting Mr. Lanteigne and forcing him to the ground. The police officers did not have any reasonable and probable grounds to believe that Mr. Lanteigne was a danger of any kind. He was sitting in his vehicle and simply waiting for the demonstration to end.

Consequently, I must conclude that the arrest of Pierre Lanteigne on the evening of May 4, 1997 was unjustified.

(vi) Lionel Foulem (complaints 1, 41 and 161)

Gilles Halley and Susan Barton and Yvon Godin, federal M.P., raise allegations that a tourist was arrested and placed in custody after explaining his situation to the police three times. These complaints do not refer to the tourist by name but, on reading them, they appear to refer to Mr. Lionel Foulem who himself filed a complaint.

Mr. Foulem was driving toward Caraquet on the evening of May 4 in the company of three other people. As he approached the fish processing plant, he saw three patrol cars blocking the highway a little to the north. He parked his car near the highway in the plant's parking lot. According to Mr. Foulem, patrol cars came speeding up shortly thereafter, the police officers jumped out of their cars, and he was grabbed by two unidentified police officers and arrested. He tried to explain, and one of the officers told him in no uncertain terms to shut up. When he got to the Caraquet Police station, he again tried to explain, without success. Finally, for the third time, when he got to the Tracadie-Sheila RCMP Detachment, he explained his situation to the police officers and said he was simply a tourist. He was released shortly thereafter when his niece arrived at the police station to get her companion out of prison.

The police officers had no reason to arrest and detain Mr. Foulem. I conclude that his arrest was unjustified in the circumstances.

(vii) Bertrand Gallien (complaint 158)

On the evening of May 4, 1997, Bertrand Gallien was driving his vehicle to the demonstration when he saw demonstrators and members of the special unit. He decided to turn back to avoid the demonstration. While he was attempting to leave the site, a tear gas cartridge hit and shattered the rear window of his car. He then drove to the church parking lot where RCMP members were in position. Mr. Gallien told them of the incident involving his car. The police officers informed him that he could file a claim with the RCMP, which he did. Mr. Gallien was reimbursed for the broken window to the amount of $356.50. I conclude that the tear gas launchers did not intentionally cause the damage to Mr. Gallien's vehicle and that his claim was handled satisfactorily by the RCMP authorities.

(viii) Joanne Paulin (complaint 169)

Joanne Paulin lives in Saint-Simon. On the evening of May 4, 1997, she went to the demonstration that was organized to protest the government decision to close Lorette Doiron school. Early in the evening, she learned that the tactical troop was expected to arrive soon. She decided nonetheless to remain at the site of the demonstration. According to Ms. Paulin, she wanted to stay at the demonstration because she had [TRANSLATION] "never seen a riot squad and it would be an experience..."[399]

When the tear gas cartridges were fired, Ms. Paulin and a number of other demonstrators attempted to leave the site of the demonstration. A tear gas cartridge fell right next to her. She was unable to breathe and a friend had to help her to their vehicle. Ms. Paulin was not injured and none of her clothing was damaged.

There is no doubt that Ms. Paulin, like a number of demonstrators, was inconvenienced by the tear gas. However, Ms. Paulin had been informed that the tactical troop was *en route*. She saw the police officers arrive and decided to stay.

I have already concluded that the tactical troop commander should have warned the crowd of demonstrators of the unit's intentions and allowed the demonstrators more time to disperse. I therefore conclude that this complaint is well-founded.

---

[399] Joanne Paulin, Appendix 30-Si, p.3

(ix) Andréa Paulin (complaint 170)

Like her sister Joanne Paulin, Andréa Paulin attended the Saint-Simon demonstration on the evening of May 4, 1997. Andréa Paulin is a mother who wanted to protest the closing of her children's school. When she was at the demonstration, she received a telephone call (she had a cell phone) from a friend informing her that the tactical troop seemed to be travelling toward Saint-Simon. Ms. Paulin decided to stay where she was. She was convinced that the police officers would do nothing without first discussing the situation with the demonstrators.

When she saw that the police were advancing, she grew afraid and decided to leave the site. She was accompanied by her companion, Jean-Pierre Arseneault, and her sister. In attempting to leave the site, Ms. Paulin fell and damaged her dental prosthesis.

Ms. Paulin had assumed that the police officers would engage in a dialogue with the demonstrators before deploying the tactical troop, a reasonable assumption. Unfortunately, no dialogue ensued and the police did not warn the demonstrators of their intentions before deploying the tactical troop. Furthermore, they did not give the demonstrators enough time to disperse. Thus, I consider this complaint to be well-founded.

5. No Adequate Medical Treatment Within a Reasonable Time (complaints 147, 150, 152, 157, 160, 161, 164 and 167)

A number of individuals complained that injured persons in custody were taken to prison rather than to hospital. All these allegations refer to the fact that RCMP members failed to obtain adequate medical treatment for injured individuals in their custody.

Géraldine Hébert (complaint 147) states that the police officers handcuffed and and took them to prison. However, a dog had bitten who was not taken to hospital until Géraldine Hébert and grandfather went to the Tracadie-Sheila RCMP Detachment. Marie-Jeanne Chiasson (complaint 150) complains in a very general way that persons injured during the arrests were taken to prison and received no medical treatment. Thirdly, Rosemonde Losier (complaint 152), the complains that the police officers failed to promptly obtain the medical treatment required. Elmira Mallais (complaint 157) complains that the police officers did not provide with the medical treatment required and that he was taken to prison rather than hospital. Dérilda Morel (complaint 160) also complains in a very general way that injured individuals were not given medical treatment in a timely fashion. Lionel Foulem (complaint 161), who was taken to the Caraquet Municipal Police station in the same car as complained that the police officers drove by a hospital *en route*, but did not even stop for the young to have his injuries treated. Mr. Foulem also states that he received injuries to his hands because the handcuffs were too tight and he was not treated for his injuries. (complaint 164), one of the individuals bitten by a dog, complained that he received no medical treatment before being taken to prison and that it was at the request of Géraldine Hébert that he was taken to hospital for medical treatment. Finally, Denise Mallet (complaint 167) alleges that the police officers acted improperly when they decided to take the injured to the Tracadie-Sheila hospital rather than the Caraquet hospital, some thirty minutes further.

Chapter III.3 of the *RCMP Operations Manual* covers "prisoners and mentally disturbed persons". Section E.3.a of the Manual stipulates:

> E. 3. a. If there is any indication that a person in your custody is ill, suspected of having acute alcohol poisoning, a drug overdose or of concealing drugs internally, is injured or not fully conscious, even if the person denies same, ensure that he/she:
>
> 1. is examined by a qualified medical practitioner;
> 2. receives immediate medical treatment; and
> 3. is not placed in a cell unless a medical examination finds him/her fit to be incarcerated.

This section of the Manual stipulates that priority must be given to treating injuries suffered by a prisoner. We note that the directive makes no distinction between serious injury and minor injury. Regarding the individuals bitten by dogs, in particular and there is little doubt that the police officers who had them in custody knew these persons had been injured.

Section E.3.a.2 requires that a police officer who has an injured person in custody ensure that he/she "receives immediate medical treatment". The *Gage Canadian Dictionary* defines immediately as "at once; without delay; with nothing between; next [...]". Section E.3.a.3 also stipulates that an injured person is not to be placed in a cell unless a medical examination finds him/her fit to be incarcerated.

The treatment given to the injured persons while they were in RCMP custody does not comply with the RCMP Manual. First, they were not immediately given medical treatment and no medical examination confirming their fitness for incarceration was done. However, it is important to remember that the patrol cars were carrying more than one person in custody at a time, making the officers' task difficult. There was an average of three such persons per vehicle, and there was but one person per vehicle who had suffered injuries requiring immediate care. The police officers decided to first drive the prisoners to the police station and then take the injured to hospital for medical treatment.

After the persons in custody were taken to the police station, the injured under arrest should have received medical treatment in accordance with the policy but, in fact, a number of injured persons under arrest received no such immediate treatment. Paul Albert and Christian Noël were taken to the Caraquet Municipal Police Station. They were then transferred to the Tracadie-Sheila RCMP Detachment. These injured persons in custody received no treatment until their incarceration in Tracadie-Sheila. Constable Jean-Yves Deroy took and Paul Albert to the local hospital. Christian Noël was also taken to the local hospital by Constable Plourde after his transfer to the Tracadie-Sheila Detachment.

situation is somewhat similar to that of and Paul Albert, except that, instead of being taken to the Caraquet Municipal Police Station, he was taken directly to the Tracadie-Sheila RCMP Detachment. He received no immediate treatment for the injuries he suffered and was obliged to wait until Géraldine Hébert, and his grandfather showed up at the detachment and demanded he be treated, and then Sergeant Lemay took him to the local hospital for the appropriate treatment.

It must be concluded that, in the circumstances, the treatment afforded to Paul Albert, and Christian Noël did not comply with the provisions of the Operations Manual and was a form of neglect of duty on the part of police officers.

Lionel Foulem states that he suffered injuries to his hands because the handcuffs were too tight around his wrists. In the Manual, Section E.1.d reads as follows:

> E. 1. d. The need to apply handcuffs or other RCMP-approved restraining devices is at the discretion of the member, keeping in mind the circumstances and the person's demeanour.

Nothing in the evidence indicates that the handcuffs attached to Mr. Foulem's wrists were attached any differently than those of the other individuals arrested. Handcuffs are a part of the everyday equipment of police officers and, although the latter must be aware of the drawbacks of such restraint, handcuffs are rarely a source of injury. However, it is assumed that handcuffs leave temporary marks and create some discomfort. Unlike the other individuals whose injuries were evident to the naked eye, the police officer who had Mr. Foulem in custody would have had difficulty seeing that the discomfort of the person in custody required immediate attention. Furthermore, Mr. Foulem did not ask anyone for medical attention, even after he had been released.

6. Other Complaints

In this general category, there are eleven complaints to consider. They are treated separately and individually.

A) Gilles Halley and Susan Barton (complaint 1)

In their complaint, these two individuals complain about an internal memo circulated at Fredericton RCMP headquarters to the effect that there would be a riot in Saint-Sauveur on May 2. They allege that the RCMP decided to act without considering the events and new developments.

The Commission investigators interviewed New Brunswick RCMP managers and subordinates as well as individuals with personal knowledge of the facts relating to the allegation of the existence of such a memo, and no one knew of its existence.[400] The Commission also received from the RCMP all the documents relating to the events in Saint-Sauveur and Saint-Simon. Among these documents, only one e-mail sent to Chief Superintendent Séguin by

---

[400] Michel Séguin, Appendix P85, pp.14-5 and Charles Castonguay, Appendix P2, pp.116-7.

Sergeant Charles Lemay at 10:24 p.m. on May 1, 1997, concerning the activity expected following the announcement by the Department of Education, appears to correspond to the description given in the complainants' statements. The message did not have the alarmist tone that the complainants appear to give it, and its aim was simply to inform Chief Superintendent Séguin of the activities planned. As a result, I find this allegation unfounded.

B) Marcelle Lanteigne (complaint 2)

One of Marcelle Lanteigne's allegations was that she had to wait nearly thirty minutes before being able to leave the La Découverte school yard on the evening of May 2, 1997, after the confrontation between the RCMP and the demonstrators. As this report has previously discussed the grounds for police intervention, there is no point repeating our analysis and conclusions here.

Although deployment of the special unit was not justified in the circumstances, it is evident that any intervention of this type entails inconvenience for some individuals. In fact, some consequences are inevitable, whether police intervention is justified or not.

In this case, I conclude that the police officers did not act improperly regarding the inevitable consequences of police intervention. It was not unreasonable for the police officers to fill the La Découverte school yard with their patrol cars to secure the area, or to carry on activities such as clearing debris along the highway. Obviously, while they were doing this, Ms. Lanteigne was unable to leave the site and was obliged to wait approximately 30 minutes, a period that does not seem excessive in the circumstances.

C) Marguerite Plourde (complaint 10)

Ms. Plourde complained that the police presence at the May 2, 1997 meeting with the Minister of Education and the Assistant Deputy Minister was intimidating. Thérèse Albert describes their presence as follows:

> [TRANSLATION]
>
> The second meeting, May 2 – Charles Castonguay was there again and there were members of the RCMP everywhere. They were everywhere at Atlantic Host, police cars everywhere. There were police everywhere in – in the motel. They had us going in circles in – in that hotel before they were able to find a conference room. It's as if, you know, they really wanted to keep us in the dark about where we were.
>
> There were two RCMP officers guarding the door when we were inside and Charles Castonguay was also at that meeting.[401]

The RCMP was responsible for ensuring the safety of the government representatives. RCMP management was aware of the tension within the community. They had taken part in the entire process of interchange between representatives of the government and the Save-Our-School Committee, a process that had led to this final meeting on May 2. I find it difficult to reproach

---

[401] Thérèse Albert, Appendix 24-Sa, p. 36

RCMP management for prudence and farsightedness with a view to ensuring that the meeting begin and end calmly.

D) Gérarda Morais-Thériault (complaint 11)

Gérarda Morais-Thériault complained that, during the evening of May 3, she was stopped by a member of the RCMP, Constable Gaétan Messier, for speeding; she was of the view that the officer's real reason was that she was returning from Saint-Sauveur. She bases this opinion on the following circumstances. During the evening of May 3, she went to her sister's in Saint-Sauveur. After she got out of her car, she observed patrol cars stopped nearby and saw police officers glance at her. After a short visit with her sister, Ms. Morais-Thériault left to drive home. When she got to a checkpoint, her vehicle was checked. Ms. Morais-Thériault drove off and, a little further on, passed another patrol car going the other way. After she passed the patrol car, it made a U-turn in order to stop Ms. Morais-Thériault. She was given a speeding ticket and five demerit points by Constable Messier.

Subsection 140(1.1) of the *Motor Vehicle Act*, R.S.N.B. 1973, c. M-17, clearly stipulates that a person who drives an automobile at a speed above the allowed limit commits an offence. Paragraphs 297(2)(*f*) and (*g*) also stipulate that any individual guilty of an offence under subsection 140(1.1) loses 3 or 5 demerit points based on whether the speed was less than 25 km/h over the speed limit or more than 25 km/h over the speed limit. There is no evidence that Constable Messier had secret or covert grounds for arresting Ms. Morais-Thériault when he stopped her on the highway. The police officer was simply performing his duty and applying the law governing driving a motor vehicle in New Brunswick.

E) Avila Duguay (complaint 23)

In this complaint, Mr. Duguay said he was seriously affected by the fact that he was prevented from driving his wife to the hospital for the medical treatment she needed. According to Mr. Duguay, he did not dare leave his house as he was under the impression the police officers would prevent his getting to the hospital. Mr. Duguay's wife suffered cranial pressure and heart pain during the events of May 2, 1997. Ms. Duguay was even hospitalized for several days for a similar condition a few days after the May 2 events.

This complaint is similar to that of Ms. Marcelle Lanteigne, as it relates to the inevitable consequences of any police intervention. The events of May 2 led RCMP authorities to decide to intervene in order to clear the highway. The grounds for this decision have already been discussed. As mentioned previously, it is obvious that the decision to bring in the special unit would have drawbacks for a few individuals. Heavy traffic and roadblocks are some of the problems the community had to put up with. When the special unit was deployed, it had no other option but to take the only highway to Saint-Sauveur. To ensure effective intervention and public safety, the RCMP had to limit access to this main highway. This was an inevitable consequence of intervention, and I conclude that the members of the RCMP involved did nothing improper in the circumstances relating to preventing Mr. Duguay from driving his wife to the hospital. I acknowledge that police officers at a roadblock would normally allow a person on the way to hospital to proceed.

F) Pascal Gionet (complaint 37)

Mr. Gionet complained of the fact that the police officers prevented him from going to the fire station during the events of May 2, thus keeping him from his duties as a volunteer fire-fighter. Here again, the complaint relates to the inevitable consequences of any police intervention. This report's statements and conclusions relating to the complaints filed by Marcelle Lanteigne (complaint 2) and Avila Duguay (complaint 23) also apply to Mr. Gionet's complaint. Limiting highway access was an inevitable consequence of police intervention during the May 2 events, and I conclude that the members of the RCMP did nothing improper in preventing Mr. Gionet from going to the fire station.

In the matter of the second allegation in Mr. Gionet's complaint, to the effect that on the morning of May 2, 1997 police officers asked firefighters to turn a hose on the people on the highway to drive them back, the results of the Commission investigation indicate that no demonstration occurred in Saint-Sauveur on the morning of May 2, 1997.

G) Odette Rousselle (complaint 38)

In this complaint, Ms. Rousselle states that a police officer prevented her from going to the demonstration site to find her children. The police officer blocked her way [TRANSLATION] "by placing his rifle across her stomach in a curt manner." The investigation conducted by the Commission was unable to identify the police officer involved in this incident. Nevertheless, as the complainant's statement has not been contradicted, it is plausible.

It should be noted that the complainant states that the weapon was used as a baton and not pointed at her. According to the complainant's statement, it appears that the police officer involved in the incident was an Emergency Response Team member or tear gas launcher, as those were the only people in possession of a weapon such as the one described by Odette Rousselle at the time of the events in Saint-Sauveur.

The police officers armed with this type of weapon are responsible for it at all times. They cannot put it down or leave it unsupervised. Because of the role Emergency Response Team members and tear gas launchers are called upon to perform, the weapons they carry are directly used in the performance of their duties.

In the case of Odette Rousselle, the police officer in question sought to restrict her access to the demonstration site. By placing himself in front of the complainant, the police officer was simply preventing her from proceeding to a potentially dangerous site. Sergeant Lajoie and Inspector Tremblay had just addressed the crowd. The crowd had booed them and it was obvious that there was a strong possibility the situation would degenerate.

I acknowledge that such a situation can be intimidating, but also note that, in the context of the events in progress, the police officer had to ensure the safety of any person arriving at the site.

H) Jean-Guy Sonier (complaint 48)

Mr. Sonier complained, for one thing, that he unsuccessfully tried to obtain help from RCMP members during the evening of May 3, to assist volunteer firemen; he also alleges that, on the evening of May 4, the RCMP members sped out of Saint-Sauveur and some of them were driving all over the road, [TRANSLATION] "endangering the lives of residents."

As to the first allegation, Staff Sergeant Castonguay had decided in the circumstances that the RCMP would concentrate on maintaining the roadblocks during the evening of May 3; the RCMP members searched vehicles to ensure that no weapon was transported into or used in the community. It must be recalled that the special unit had been dismissed at noon on May 3, and was no longer available that evening. The absence of the special unit restricted the number of police officers available to intervene. This obliged District No. 8 management to seek new ways of controlling the situation; it is understandable that, in the circumstances, the police force was unable to assist the volunteer firemen. Based on the facts collected and taking into account the comments by Harper J. in *R* v. *Colford (L.G.)*[402] which apply *mutatis mutandis* to this case, I conclude that Staff Sergeant Castonguay's operational decision was understandable:

> [38] Superintendent Wawryk is an experienced police officer, however, and his choice of priorities should not be gratuitously criticized by the court unless it amounted to a causation of the event itself. In this instance I find that it did not contribute in any material way to that which had already happened or was about to occur. Those who examine a situation after the fact should always remember that its [*sic*] very easy to be critical of choices made in the trenches where the action is, especially from the luxury of a leisurely and secure observation post far removed from any danger to themselves or others, for whose safety the man on the ground may be responsible.
>
> [39] [...] It has long been established that the police have a discretion in exercising their duties of enforcing the law; and this discretion must not be transcended by the courts.

As to the second part of Mr. Sonier's complaint, the police officers had received information during the day of May 3 to the effect that people had dynamite in their possession, that certain members of the community were preparing to confront the members of the RCMP, and that the school would be destroyed. As Staff Sergeant Castonguay wanted to ensure public safety in the area, he decided to remuster the special unit. It was decided that headquarters would be in La Découverte school. In the circumstances, I am of the opinion that Staff Sergeant Castonguay used his discretionary powers according to law, but that other options could have been considered. I also note that this measure was in no way intended to harass the citizens of the community.

---

[402] Supra note ? pp. 185-6

When the police officers left Saint-Sauveur on the evening of May 4, they had received information to the effect that the road was blocked at Saint-Simon and that a police officer had been driven back by demonstrators with stones. The police officers had been ordered to go to Saint-Simon. Subject to my conclusions regarding Ms. Duke's complaint (complaint 138 below), it appears that, in the circumstances, the police officers were justified in travelling to the site as quickly as possible. The danger was real, and RCMP authorities had grounds for considering the circumstances an emergency, to which they were obliged to respond promptly, taking into account the safety of all persons and property.

I) Martin Noël (complaint 63)

Martin Noël complains that police officers continued to use intimidation after the events at issue. He is very vaguely referring to an incident that occurred in Saint-Sauveur when five or six unidentified police officers responded to a call about a burning car. When the police officers were questioned by Mr. Noël on the reason for the number of police officers at the site, they simply responded that they were taking no risks when responding to a call from Saint-Sauveur. No such incident was recorded by the RCMP. Although the presence of five or six police officers at the site of a burning car may seem excessive, with no information on the *raison d'être* of this intervention, I am unable to reach a conclusion.

J) Diane Duke (complaint 138)

In her amended complaint, Diane Duke complains that, at approximately 8:00 p.m. on May 4, 1997, while she was driving west on Highway 160, an unmarked car swerved into her lane in an attempt to overtake an RCMP van, forcing her onto the shoulder to avoid a head-on collision. This happened close to the point known locally as "Butte à Jim". The police car had its emergency (rotating) lights on. That same evening, she drove to the La Découverte school yard to learn the identity of the police officer at the wheel of the unmarked car, but the police officer with whom she spoke told her to talk to Staff Sergeant Castonguay. She attempted to contact him that same evening, without success. The next morning, May 5, she was able to reach Staff Sergeant Castonguay, who informed her that the driver of the vehicle was Sergeant Bernard Lajoie. The Staff Sergeant told her that he would speak to the officer in question and contact her to discuss the matter further. He did not call back and it was not until two days later (May 7) that she reached him again. He suggested a number of options, including filing a formal complaint.

When she met with the Commission investigators, Diane Duke mentioned that there had been two witnesses to the incident, two individuals who were walking along Highway 160 nearby. These individuals were identified as André St-Pierre and Jean-Maurice Losier. They were questioned by the Commission investigators. Their statements support Ms. Duke's version of events. One witness also assisted the investigators in identifying the incident site and making a sketch of the highway (Exhibit 61). The evidence clearly demonstrates that the unmarked car driven by Sergeant Lajoie was in the left lane of the highway when the lane was occupied by Ms. Duke's car, forcing her to swerve onto the shoulder.

Subsection 148(1) of the *Motor Vehicle Act*[403] clearly stipulates that "The driver of a vehicle shall keep to his right when he is meeting and passing another vehicle that is moving in the opposite direction." Section 151 adds:

> 151 Other than on a one-way highway, no person when passing shall drive a vehicle over or to the left of the centre line of the roadway unless the left half of the roadway is clearly visible and free of traffic for a distance sufficient to permit the passing to be completed without interfering with the safe operation of another vehicle.

Finally, paragraph 152(1)(*a*) specifies:

> 152(1) No driver shall drive a vehicle on the left of or over the centre line of a roadway, other than a one-way roadway,
>
> *a*) when approaching the crest of a grade or upon a curve in a roadway where the driver's view is obstructed within such distance as to create a hazard[.]

These provisions support the proposition that driving in the left lane of a highway is prohibited when such behaviour endangers the life of an individual.

Conversely, Sergeant Lajoie states that, when he was driving, the patrol car's emergency lights and siren were operating to alert travellers on the highway. Consideration must be given to section 110 of the *Motor Vehicle Act*. Subsection 1 stipulates:

> 110(1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

This privilege is qualified by subsection 4, which adds:

> 110(4) This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons and property.

Consequently, a police officer must drive with due regard for the safety of all persons and property, even when he is responding to an emergency call and using the emergency lights and siren to warn highway users.

In the case of Diane Duke, an accident would have been inevitable if she had not acted quickly and with due diligence. The fact that Sergeant Lajoie decided to pass two vans parked parallel to each other at a place where there was traffic moving in the other direction demonstrates failure to drive with due regard for all persons and property. In the circumstances, I conclude that Sergeant Lajoie's driving on the evening of May 4 constituted improper operation of a motor vehicle.

---

[403] R.S.N.B. 1973, c. M-17

K) Éloi Albert and Jacqueline Albert (complaint 168)

The fires lit on Highway 335 in Saint-Simon during the evening of May 4 were near the home of Éloi Albert. When the RCMP Special Unit intervened and the police officers cleared the highway, a number of demonstrators got into their vehicles and remained at the site. Éloi Albert returned to his own property. As the tactical troop advanced, the soft hats and the Police Service Dog team making up the platoon secured the site by making sure no one could surprise the tactical troop from the rear.

Éloi Albert and his brother stayed outside the house to observe events. When the police officers approached Éloi Albert's home, they ordered Mr. Albert to go into his house: he refused. Following his refusal, tear gas was fired in his direction. Éloi Albert then went behind his house. According to Mr. Albert, one of the police officers commented "Goddam Frenchman".

During the evening, a patrol car parked on the side of the road near the home of Éloi Albert's father, an 88-year-old in poor health. A nurse went to see the police officer to ask him to turn off his emergency lights, explaining that he had a patient who could become agitated. It is alleged by Mr. Albert that the police officer told the nurse that, if his patient was causing trouble, to let him know and he would cuff him and take him to the police station.

Finally, Éloi Albert complains that the police officers taking part in the May 4 intervention invaded his property without his permission.

Regarding the derogatory comment to her husband, Jacqueline Albert, wife of Éloi Albert, states that she did not hear it. In his statement, Éloi Albert suggests that Pierre Lanteigne was the one who heard these comments. However, Pierre Lanteigne was questioned by the Commission investigators and made no mention of these words. The police officers present near Mr. Albert's residence were also questioned and none admits having said any such thing. In the circumstances, I consider the allegation unfounded.

It should be mentioned that Éloi Albert did not himself hear the words underlying his second allegation. The alleged words of the police officer concerning his father were said in the presence of the nurse, Victor Duguay, not Éloi Albert. Mr. Duguay told one of the Commission investigators that he asked a police officer to move his patrol car, and that the officer agreed so as not to further inconvenience Éloi Albert's father. I consider the grounds for the allegation unfounded.

Finally, Éloi Albert complains that police officers entered his property without his permission. In normal circumstances, a police officer must obtain a search warrant or arrest warrant before entering private property to make an arrest or search. In law, a property owner is justified in refusing access to his property to whomever he wishes, including a police officer. However, when a crime has been committed, to ensure that no one escapes the legal process, a police officer may have grounds for overriding an owner's rights.

In the circumstances, it is clear that the fires on Highway 335 were crimes and grounds for police intervention. The police officers had the authority to ensure their own safety. Thus the order was given to make sure no one could surprise the tactical troop from the rear and avoid any member being caught in an ambush. I conclude that the police officers were acting for a reasonable and legitimate purpose when they entered the property in question without permission and that their conduct was not improper.

PART IV: FINDINGS AND RECOMMENDATIONS

XII. FINDINGS AND RECOMMENDATIONS

The investigation into the events of May 2 and 4, 1997 in the New Brunswick communities of Saint-Sauveur and Saint-Simon was both long and exhaustive. I had to examine all the facts preceding the demonstrations of that weekend in May 1997 to have a clear understanding of the events that gave rise to the many complaints filed.

As is evident, some Saint-Sauveur and Saint-Simon demonstrators committed mischief by blocking public highways on the Acadian Peninsula between May 2 and 4, 1997. I emphasize, once again, that the findings and recommendations of this report must not be construed as approval of the protest methods used by the demonstrators in these two communities.

Analysis of the facts demonstrates that Staff Sergeant Castonguay, Sergeants Lemay and Lajoie, and Corporals Laliberté and Fauteux tried throughout the time period preceding the weekend of May 2, 1997 to establish good lines of communication with representatives of the Saint-Sauveur and Saint-Simon Parents' and Save-Our-School Committees. I recognize their efforts and fully approve of them.

Following the events of May 2 to 4, 1997, a number of police officers filed reports on their participation ("Prisoner Report," form C-13-1; "Continuation Report," form 1624). In the following weeks, some submitted reports by e-mail. These members were Inspector René-Pierre Tremblay, Sergeant Bernard Lajoie, Corporals Donald Chenel, Wayne Jacquard and Michel Pagé, and Constables Babineau, Boisvert, Bourdages, Comeau, Danis, Deroy, Lamarre, Martin, Maillet, Paradis, Tremblay and Thibeault. Corporal Willson submitted two "Police Dog Services Case Reports," form C-227B. Sergeant Potvin submitted one "Transit Slip," form A-5.

Of the members listed above, only Inspector Tremblay, Corporals Pagé and Jacquard and Constables Bourdages, Danis and Maillet identified the individuals they arrested or with whom they had contact. I note that the "Prisoner Reports" (form C-13-1) were consistently incomplete.

During my investigation, the following members stated that they made an arrest or transported prisoners: Inspector Tremblay, Sergeant Roger Somers, Corporals Pagé, Blondin, Chenel, Jurcina, Maillet and Constables Bernard, Bourdages, Couture, Deroy, Lamarre, Lévesque, Haché, Maillet, Paradis, Perriard, Sylvain, Touchette and Tremblay. These RCMP members failed to comply with the internal policy stipulating that, in such circumstances, police officers are to number the plastic handcuffs to facilitate identification of the persons arrested and the arresting officers (see *Tactical Operations Manual*, Chap. 4, K.1.a.1.). For these same reasons, the Manual (Chap. 4, K.1.b.1.) stipulates that, following arrest, prisoners must be taken to the rear of the troop and photographed with the arresting officer. Only one police officer, Constable Paradis, complied with this policy and was photographed with three prisoners whom he transported to Tracadie-Sheila. Failure to comply with the procedures in the Manual made it impossible to identify the police officers involved in all the arrests. Inspector Tremblay, Corporals Jacquard and Pagé and Constables Bernard, Couture, Lévesque, Hachey, Bourdages and Maillet are the only ones who, in their statements, identified to the Commission the people with whom they were in contact.

The major findings with respect to the complaints filed with the Commission are given below. Some findings are accompanied by specific recommendations. The complaints are covered in the same order as in Chapter XI.

COMMUNICATION

Inspector Tremblay, Sergeant Lajoie and Sergeant Potvin were the members in charge of deployment of the special unit on May 2, 1997 in Saint-Sauveur and May 4, 1997 in Saint-Simon. These RCMP members should have attempted to establish a dialogue with the instigators of the demonstrations to convince them to carry out their protests lawfully. The RCMP *Tactical Operations Manual* clearly stipulates that use of force is a last resort. Consequently, failure by these members to try and open a dialogue with the instigators of the demonstrations constitutes failure to comply with the RCMP policies as set out in the Manual.

None of the RCMP members who spoke to the demonstrators in Saint-Sauveur (Inspector Tremblay and Sergeant Lajoie) and Saint-Simon (Corporal Fauteux) used a loudspeaker to inform the demonstrators of their intentions. When they arrived at the site, neither Sergeant Lajoie, Sergeant Potvin nor Inspector Tremblay attempted to communicate their intentions to the demonstrators. These omissions contravene the directives in the Manual.

Recommendation 1

> The policy in the Manual on communicating with demonstrators is sound. I recommend that the Commissioner of the RCMP ensure that commanders of tactical operations are aware of the importance of dialogue in dealing with demonstrators and of clearly informing demonstrators of police intentions by using the best communication methods to ensure that the message is clearly understood.

I found no evidence that RCMP management deliberately attempted to spread inaccurate information to justify its intervention during the weekend of May 2, 1997. However, I note the exaggerated comments of Inspector Tremblay in an interview with a Radio-Canada journalist on May 22, 1997. Inspector Tremblay's comments to the effect that there were [TRANSLATION] "three hundred people armed with bolts, armed with chains, armed with marine flares..." were groundless and reflect an improper attitude.

Recommendation 2

> When RCMP management deems it useful to comment on events and give information to members of the press, it must ensure that the spokesperson report the facts as accurately as possible and avoid exaggeration. I therefore recommend that the RCMP Commissioner ensure that spokespersons are adequately trained for dealing with the media and demonstrate a facility for communicating with members of the press.

It is of key importance that RCMP members maintain a good relationship with the communities they serve. A number of residents of the Saint-Sauveur and Saint-Simon communities who were interviewed commented that relations between the community and the RCMP had deteriorated since the events of May 2 and 4, 1997.

It is incomprehensible that RCMP authorities on the Acadian Peninsula and in Fredericton made no provisions for re-opening constructive dialogue with the representatives of the communities affected by the events of May 2 and 4, 1997. In Saint-Simon, Sergeant Lajoie should have made sure an RCMP member was designated to provide ongoing liaison with the members of that community and respond to their requests for dialogue. I therefore consider Isabelle Léger's complaint (complaint 153) as well-founded.

In Saint-Sauveur, no effort was made to re-establish a sound relationship with community representatives following the events. In January 1998, community representatives were still asking that dialogue with RCMP authorities be re-opened with a view to taking stock of the events of May 2 and 4, 1997. RCMP authorities gave no valid explanation as grounds for their inaction relating to this request.

Recommendation 3

> I recommend that the Commissioner of the RCMP ensure that the "J" Division commander organize meetings with Parents' Committee representatives in both communities for joint development of a strategy for rebuilding trust between the communities and the RCMP.

ABUSE OF POWER

A number of complainants allege that RCMP authorities had no grounds for mustering and deploying the RCMP Special Unit during the weekend of May 2 to 4, 1997.

A number of demonstrations had been held in Saint-Sauveur and Saint-Simon during the month of April 1997. On May 1, 1997, Staff Sergeant Castonguay received confirmation from provincial authorities that the Minister of Education intended to reaffirm his earlier decision to close the schools in Saint-Sauveur and Saint-Simon at the meeting planned with parents' representatives for May 2, 1997.

Staff Sergeant Castonguay, Non-Commissioned Officer in Charge of the District, was responsible for the Minister of Education's personal safety. Furthermore, he wanted to keep Highway 160 open. Through Corporal Laliberté, he had informed Ms. Thérèse Albert, Save-Our-School Committee representative for the Saint-Sauveur La Découverte school, that the RCMP would no longer tolerate closure of Highway 160 for further demonstrations by residents of the community. In the circumstances, it was reasonable for the Staff Sergeant to muster the special unit on the Acadian Peninsula, so it would be ready to intervene if necessary. The RCMP Special Unit did not intervene during the meeting between the Saint-Sauveur and Saint-Simon parents' representatives with the Minister of Education.

Following a meeting of Saint-Sauveur residents and parents on May 2, 1997 at La Découverte school, meeting participants organized the demonstration on Highway 160. According to the demonstrators, the demonstration was to be simply a peaceful march covering a distance of about one half a kilometre, from La Découverte school to the local community centre. As the demonstrators were going back to the school, Inspector Tremblay and Sergeant Lajoie attempted to address the crowd, without using a loudspeaker. They were booed. At the same time, an RCMP helicopter was flying over the area. Inspector Tremblay, after discussion with Staff Sergeant Castonguay, ordered deployment of the special unit, consisting of the tactical troop, the Emergency Response Team, the Police Service Dog team, the arrest team and the identification unit.

When the members of the special unit arrived in Saint-Sauveur, the situation was far from resembling a riot. There was a demonstration, and the demonstrators were disrupting vehicle traffic on Highway 160. The demonstrators went back toward the school and their vehicles. In the circumstances, there was no reason to immediately deploy all components of the special unit. The situation justified deployment of the soft hats to escort the demonstrators toward the school yard and their vehicles. There was no reason to deploy the tactical troop, the Emergency Response Team or the Police Service Dog team in Saint-Sauveur.

The operational commanders, Inspector Tremblay, Sergeant Lajoie and Sergeant Potvin, reacted too quickly. Tactical troop commanders should use their judgement and only deploy the special unit as a last resort. Deployment of the tactical troop, the Emergency Response Team and the Police Service Dog team was improper use of force and not justified by the situation.

Recommendation 4

> I recommend that the Commissioner of the RCMP ensure operational commanders have the qualifications and training essential to tactful decision-making in crowd control situations.

Recommendation 5

> I also recommend that the Commissioner of the RCMP ensure that tactical operation commanders regularly review RCMP policies and directives in the RCMP *Tactical Operations Manual*. Furthermore, tactical operation commanders should receive special training on analysing circumstances justifying deployment of the tactical troop.

The situation in Saint-Simon was very different from that in Saint-Sauveur. In Saint-Simon, the demonstrators had time to organize. They built two fires on a public highway. Some of the demonstrators were wearing hoods. As soon as the police officers arrived at the site, rocks and other projectiles were thrown at them by the demonstrators. One demonstrator fired a marine flare toward the police officers.

The circumstances that prevailed in Saint-Simon justified deployment of the RCMP tactical troop. Use of the unit was necessary to disperse the demonstrators and open the highway to traffic.

Use of the Police Service Dog teams can make a significant contribution to crowd dispersal at a demonstration. Using police service dogs can be, and often is, a dissuasive psychological factor. The evidence collected shows that, as soon as a police service dog is allowed to approach demonstrators, it becomes a dangerous police weapon.

Concerning the events in Saint-Simon, I have found that use of the Police Service Dog teams as a dissuasive factor was justified. However, Sergeant Lajoie's decision to allow the Police Service Dog teams to participate in arrests was improper use of force. Seven persons were bitten by police service dogs. No individual attacked by a police service dog had resisted a member of the RCMP in a way that would justify the use of dogs in their arrest.

Sergeant Lajoie must not however be held solely responsible for the decision. Inspector Tremblay, Commander of the New Brunswick special unit, was also at the demonstration site. Inspector Tremblay was ultimately responsible for everything that happened in this operation.

It is also incomprehensible that the dog handlers, Corporals Don Chenel, Pierre Gardner and Jean Blondin, allowed their police service dogs to come into contact with individuals present in Saint-Simon. None of the individuals bitten by the police service dogs of these three RCMP members had resisted the police officers, facts that could justify the immediate intervention of the dogs. The dog handlers used their police service dogs in the seven specific cases in Saint-Simon as offensive rather than defensive weapons. I find that the three dog handlers, Corporals Blondin, Chenel and Gardner, used excessive force by letting their police service dogs come into direct contact with the individuals apprehended.

Recommendation 6

> I recommend that the Commissioner of the RCMP ensure that a detailed directive be included in the RCMP *Tactical Operations Manual* to the effect that only exceptional circumstances are grounds for allowing Police Service Dogs to be in direct contact with demonstrators at the time of an assembly or riot.

Recommendation 7

> I recommend to the Commissioner of the RCMP that the training policies for RCMP dog handlers be reviewed and modified as necessary to ensure the dog handlers are properly trained to intervene in demonstration or riot situations. Special emphasis should be placed on the use of Police Service Dogs as a defensive rather than an offensive weapon. Furthermore, the dog handlers must be conversant with the rights of Canadian citizens to be free of any threat of corporal punishment or suffering and must be aware of their responsibility to justify any direct contact of their dogs with a citizen.

Recommendation 8

> I recommend that the Commissioner of the RCMP ensure that dog handlers Corporal Don Chenel, Corporal Pierre Gardner and Corporal Jean Blondin be given developmental training to maintain their competence as dog handlers.

I was surprised by the absence of incident reports on the use of police service dogs by these three Police Service Dog team members. In their opinion, there is no obligation for RCMP dog handlers to submit incident reports in writing.

Recommendation 9

> I recommend that the Commissioner of the RCMP ensure that, when police service dogs are used directly in the arrest of individuals and, in particular, when a police service dog bites a suspect, the necessary measures be taken to ensure that a detailed incident report is prepared and added to the file. The law clearly establishes that the use of force by a police officer must be justified by the circumstances and exercised in a reasonable way. Only exceptional circumstances can justify direct intervention of police service dogs to apprehend a suspect.

Preparation of a report is necessary for a number of reasons. Firstly, these reports identify the dog handler and the police service dogs who participated in the arrest of the suspect. The report would allow the dog handler to describe the particular circumstances of the incident and the grounds for intervention of his dog. If a criminal or civil trial should ensue, the report would give legal counsel a clear appreciation of the facts surrounding the arrest of suspects, and serve as a reminder to the dog handler. For the public at large, the requirement for dog handlers to complete incident reports is a recognition of the exceptional nature of the direct use of police service dogs in the arrest of suspects.

The Emergency Response Team is made up of elite sharpshooters/observers called upon to intervene in situations of armed resistance, in other words specialized and rigorously trained police officers. Deployment of this RCMP unit should be restricted to situations in which RCMP authorities have reasonable and probable grounds to believe in armed resistance by suspects or demonstrators.

The evidence collected during my investigation clearly demonstrates that on Friday, May 2, 1997, RCMP management in Tracadie-Sheila had no evidence or information that could have been grounds for deployment of the unit in Saint-Sauveur. Inspector Tremblay, Sergeant Lajoie and Sergeant Potvin should all have seen that deployment of the Emergency Response Team in Saint-Sauveur was absolutely unnecessary and, to the citizens of that community, an unjustified and improper use of force.

Recommendation 10

> I reiterate my disagreement with routine "J" Division (New Brunswick) practice of mustering the Emergency Response Team whenever the tactical troop is deployed. This

practice appears groundless. I recommend to the Commissioner of the RCMP that this practice be immediately rescinded. The decision to muster the Emergency Response Team and deploy the unit should be taken on a case-by-case basis. Each deployment of the unit should entail analysis of the specific situation by the tactical operations commander, who should be able to show grounds for deployment.

The complaints relating to use of a helicopter on May 2, 1997 in Saint-Sauveur, provocation and intimidation by members of the RCMP in Saint-Sauveur on May 3 and 4, 1997 and use of La Découverte school as a Command Post on May 4, 1997 are unfounded, subject to the comments of the Commission in Chapter XI.

THE ROADBLOCKS IN SAINT-SAUVEUR

The Commission received 10 complaints from Saint-Sauveur residents to the effect that members of the RCMP had no grounds for erecting roadblocks at either end of the village of Saint-Sauveur on May 3 and 4, 1997.

My investigation revealed that the Tracadie-Sheila RCMP office had received a good deal of disturbing information during the day of May 3, 1997. This information justified increased RCMP presence in Saint-Sauveur and establishment of checkpoints at either end of the municipality. As a result, I consider the conduct of RCMP members not inappropriate and thus the roadblock related complaints unfounded.

DETENTIONS, INJURIES AND PROPERTY DAMAGE

I consider the complaints relating to the arrest of Bruno Comeau on the evening of May 2, 1997 in Saint-Sauveur, and the arrest of René Hébert on May 4, 1997 in the same municipality as founded. These two persons were both arrested, taken into custody and subsequently released by members of the RCMP with no charge ever being laid. The evidence clearly shows that these two persons were unjustifiably held in custody. I also consider there are grounds for complaint relating to his prolonged detention at the Tracadie-Sheila Detachment. The evidence shows that there was no reason for refusing to release Mr. the evening of May 2, 1997 when his father came to get him.

When Mr. Comeau was arrested on the evening of May 2, 1997, he was sitting in his vehicle. An unidentified dog handler and two police officers, one of whom was Constable Luc Touchette, arrested Mr. Comeau. Fortunately, the police service dog did not bite Mr. Comeau, although the dog did jump up on him. No information collected by the Commission demonstrates that the police officers had any evidence that Mr. Comeau had committed an offence. Mr. Comeau spent 14 hours in prison before being released. He was tired and obviously traumatized by the events. Bruno Comeau received no police apology after his release.

The police officers' decision to arrest René Hébert is incomprehensible. The latter was arrested on Sunday, May 4 around noon, in the company of his friend Marcel Doiron. The reason for the arrest was that the police officers believed they had seen the two young men at the May 2 demonstration in Saint-Sauveur. They were released a few hours later after the police officers viewed the video cassettes that the members of the RCMP had in their possession. No apology was made by the police officers.

In the two above-mentioned cases, I find that the police officers involved should have apologized to Mr. Bruno Comeau, Mr. René Hébert and Mr. Doiron.

, a -year-old at the time of the events, was arrested on the evening of May 2, 1997 in Saint-Sauveur. I find that, in the circumstances, there were grounds for the arrest and search of Mr. However, I find that there were no grounds for keeping in prison overnight when his father had come to get him at the Tracadie-Sheila RCMP detachment. Mr. had been identified and presented no danger that could have been grounds for prolonged detention. The fact that he was a teenager should have led the police officers to pay particular attention to Mr. father's request for his release.

Recommendation 11

I recommend that the Commissioner of the RCMP ensure that the "J" Division commander write letters of apology to Bruno Comeau, René Hébert, Marcel Doiron and for the treatment they received from members of the RCMP in Saint-Sauveur during the weekend of May 2, 1997.

Recommendation 12

I recommend that the Commissioner of the RCMP see to development of detailed directives for situations in which suspects are arrested without warrant and it is later discovered that the reasons for arrest are erroneous or non-existent. In such circumstances, the persons held in custody should be immediately released. Furthermore, in the same circumstances, the police officers who made the arrest should offer explanations and apologies to the persons concerned.

Recommendation 13

I recommend that the Commissioner of the RCMP ensure that appropriate policies relating to the release of prisoners be developed in order to ensure that the prisoners are in fact released "as soon as practicable" as prescribed in subsection 497(1) of the *Criminal Code*.

In Saint-Sauveur, the facts show that Sergeant Potvin gave the order to the tear gas launchers to fire their cartridges while a number of demonstrators were attempting to leave the demonstration site. Three girls, Annik Mallet, Sonia Hébert, Sylvie Noël and her brother Yves were grazed by a cartridge. Fortunately, they did not suffer serious injuries. Sergeant Potvin, operational commander under Inspector Tremblay, failed in his duty to warn the crowd to disperse and failed to give the people sufficient time to disperse before giving the order to fire tear gas cartridges.

Recommendation 14

I recommend that the Commissioner of the RCMP ensure that the "J" Division commander write a letter of apology to Annik Mallet, Sonia Hébert, Sylvie Noël and Yves Noël for the treatment they received from members of the RCMP in Saint-Sauveur during the weekend of May 2, 1997.

Recommendation 15

I recommend that the Commissioner of the RCMP ensure that RCMP tactical operation commanders are made aware of their obligation, as stipulated in RCMP policy, to warn the crowd of demonstrators of their intention to deploy the tactical troop and use tear gas before proceeding with these operations. Once the demonstrators have been warned of police intentions, the operational commander must ensure that persons have enough time to leave the demonstration site. It is imperative that police intentions be clearly communicated to the demonstrators.

On May 4, 1997 in Saint-Simon, 16 people were arrested and 12 of them were placed in custody. No charge was ever laid against them. The RCMP investigators were largely unable to identify the police officers who made the arrests. The members of the tactical troop were all dressed alike, in other words wearing the troop uniform and gas masks. These uniforms have nothing to distinguish them one from the other and there are no visible means of identification attached to the uniform. The police officers operate anonymously.

Nonetheless, a few police officers who took part in the arrests were identified during my investigation. Corporal Renaud Bourdages participated in the arrest of Pierre Lanteigne and, as earlier concluded, used excessive force in making the arrest. My finding is the same concerning the involvement of Corporal Jurcina and Constables Mark Janes and Marc Perriard in the arrest of Corporal Pierre Gardner and Constables Richard Ross and Alain Tremblay also used excessive force in arresting Christian Noël, particularly Corporal Gardner who allowed his dog to come into contact with the suspect. Finally, although he stated that he was near Géraldine Hébert while she was on the ground, the evidence does not confirm that Corporal Gilles Maillet took an active role in the arrest other than exchanging a few words with the complainant and I cannot find his conduct inappropriate.

Recommendation 16

I recommend to the Commissioner of the RCMP that the current practice of members of the tactical troop not wearing any badge or other distinctive means of identification be reviewed immediately. Whatever the activities of an RCMP member, the member is accountable to his or her superiors and society in general. The wearing of an identifier would allow arrest and forensic identification teams to identify an arresting officer. Furthermore, persons arrested would know the name of the person who made the arrest. Finally, if this were done, no police officer could act anonymously.

Recommendation 17

I recommend to the Commissioner of the RCMP that all police officers taking part in the deployment of special units at demonstrations (tactical troop, Emergency Response Team, Police Service Dog teams, soft hats, identification unit) be identified and that the operational commander or his/her second in command draw up a list of these officers before the troop is deployed.

Recommendation 18

I recommend that the Commissioner of the RCMP ensure that rigorous training methods be developed to ensure proper coordination of the various units during deployment of the tactical troop and to ensure that members rigorously comply with existing policy.

Recommendation 19

I recommend that the Commissioner of the RCMP see to reviewing, and modifying if necessary, the methods used to transfer prisoners from members of the tactical troop to the soft hats and the process used for prisoner identification and transfer to the detention centre. In particular, I recommend that the Commissioner of the RCMP ensure all police officers taking part in RCMP Special Unit deployment in New Brunswick understand and comply with the internal policies set out in the *Tactical Operations Manual* on numbering plastic handcuffs and the procedure for photographing prisoners with the arresting officer.

I find that, during the events in Saint-Simon, three of the four dog handlers, (Corporals Don Chenel, Pierre Gardner and Jean Blondin) used unjustified and excessive force when they allowed police service dogs to come into direct contact with Albertin Albert, Roger Foulem, Jean-Dominique Mallet, Paul Albert, and Christian Noël, all of whom were bitten.

Recommendation 20

I recommend that the Commissioner of the RCMP ensure that the "J" Division commander writes letters of apology to the individuals bitten by dogs, specifically Albertin Albert, Roger Foulem, Jean-Dominique Mallet, Paul Albert, Christian Noël, and

Recommendation 21

I recommend that the Commissioner of the RCMP ensure that the "J" Division commander writes a letter of apology to each of the following persons identified as victims of improper use of force by members of the RCMP in Saint-Simon: Pierre Lanteigne, Albertin Albert, Roger Foulem, Lucette Foulem, Jean-Dominique Mallet, Paul Albert, Lionel Foulem, Robert Jobin, Christian Noël, Mario Savoie, Marc Savoy, Antoine Godin, Géraldine Hébert, and François Lanteigne.

MEDICAL TREATMENT WITHIN A REASONABLE TIME

The appropriateness of the RCMP policy contained in section E.3.a. of Chapter III.3 of the RCMP Operations Manual is well-founded. The policy stipulates that any police officer who believes that a person in his custody is ill or injured must ensure that the person is examined by a qualified medical practitioner, receives immediate medical treatment, and is not placed in a cell unless a medical examination finds him/her fit to be incarcerated. During the May 4, 1997 events in Saint-Simon, the evidence shows that members of the RCMP did not comply with the RCMP policy concerning ill or injured persons.

Recommendation 22

> I recommend that the Commissioner of the RCMP ensure that the "J" Division commander takes action in offering remedial training to the following RCMP members to familiarize them with the policy contained in section E.3.a. of Chapter III.3 of the Operations Manual and, in particular, its application to any situation involving ill or injured persons, in tactical and/or other operations: Corporal Wayne Jacquard, Constable Jean-Yves Deroy, Corporal Michel Pagé and Corporal Jacques Giroux.

Recommendation 23

> I recommend that the Commissioner of the RCMP ensure that every police officer who makes an arrest observe the person in custody to determine his/her physical condition. The officer's observations should be entered in the file of the person in custody. When arrests are made in the context of tactical troop deployment, the observations should be completed as soon as possible by the arresting officers.

Recommendation 24

> I recommend to the Commissioner of the RCMP that, as required by existing policy, persons injured as the result of a dog bite or other injury, or persons visibly ill, should in no case be incarcerated without prior medical examination.

OTHER COMPLAINTS

The Commission investigated 11 individual complaints that do not fit the preceding categories. These complaints were submitted by Gilles Halley and Susan Barton (complaint 1), Marcelle Lanteigne (complaint 2), Marguerite Plourde (complaint 10), Gérarda Morais-Thériault (complaint 11), Avila Duguay (complaint 23), Pascal Gionet (complaint 37), Odette Rousselle (complaint 38), Jean-Guy Sonier (complaint 48), Martin Noël (complaint 63), Diane Duke (complaint 138) and Éloi and Jacqueline Albert (complaint 168). I find nine of these eleven complaints to be not founded for the reasons set out in Chapter XI.

In the case of Martin Noël (complaint 63), I was unable to reach any finding on the facts due to lack of relevant information. Consequently, I cannot find that any RCMP member involved in the events breached any duty.

It is imperative that all RCMP members drive their patrol cars with due regard for all persons and property, even when responding to an emergency call. I find that, on the evening of May 4, 1997, Sergeant Bernard Lajoie drove his patrol car improperly. Consequently, I consider Ms. Diane Duke's complaint well-founded (complaint 138).

Recommendation 25

I recommend to the Commissioner of the RCMP, considering Ms. Duke's complaint well-founded, that Sergeant Bernard Lajoie be informed of the need to comply with the *Motor Vehicle Act* and the obligation to drive with due regard for all persons and property, even when responding to an emergency call. I further recommend that the Commissioner of the RCMP ensure that the "J" Division commander writes a letter of apology to Ms. Duke concerning the incident.

Recommendation 26

I recommend that the Commissioner of the RCMP ensure that police officers are regularly reminded of the need to comply with the *Motor Vehicle Act* and the obligation to drive with due regard for all persons and property, even when responding to an emergency call.

Following the events in Saint-Sauveur and Saint-Simon, one concern raised by District No. 8 and tactical troop management was the difficulty of identifying the police officers who took part in the arrests. Reports identifying individuals with whom they came in contact are rare. In light of this situation, Sergeant Bernard Lajoie sent three e-mail messages to the police officers who took part in the events. The copies of the first two e-mail messages received by the Commission investigators indicate neither the date nor the time.

In the first e-mail, Sergeant Lajoie wrote:

> [TRANSLATION]
> ...I would ask everyone who worked with the troop on a road block, patrol, arrest, to send me a 1624 with the details, send it to me ASAP... The Saint-Sauveur file number is 97-2064, the Saint-Simon number is 97-2396.

In the second:

> [TRANSLATION]
> To all the members who were involved in patrols, arrests, road blocks, I must request a 1624 with a short description of your involvement, if it was an arrest, please provide details...Everything will be placed on file.
>
> For all work at Saint-Sauveur, it's 97-2064; use 97-2396 for Saint-Simon...Please forward me your 1624s to my attention as quickly as possible.

These messages were apparently sent in the weeks following the events of May 2 and 4, 1997.

Of the approximately 100 police officers who took part in the events of May 2 and 4, 1997, only 25 sent Continuation Reports to Sergeant Lajoie. On February 13, 1998 Sergeant Lajoie sent another message to the police officers concerned. This message stipulates:

> [TRANSLATION]
> I need your assistance in collecting all possible data in this matter, it involves not only the riots but everything that happened during the previous weeks (e.g. negotiations, blocking of the highway)... If you made arrests, set up road blocks, acted as escort, anything, please check your notes and send me detailed 1624s...This is very important...You may have to testify...Send your 1624s on your actions ASAP...I cannot be clearer...

Fewer than 10 officers responded to this order from Sergeant Lajoie.

It is alarming to note that nearly 75 percent of RCMP members present in Saint-Sauveur and Saint-Simon during the events of May 2 and 4, 1997 did not obey Sergeant Lajoie's order to complete Continuation Reports. This is a systematic refusal by the members.

Police officers serve the public. When they are performing their duties, their conduct must in no way undermine the public's trust. They must at all times meet the highest standards of conduct. They have an obligation to the public, and to their colleagues. Their profession requires them to comply with the codes of conduct.

In my opinion, the RCMP members who failed to respond to Sergeant Lajoie's e-mail messages breached their duty.

Recommendation 27

I recommend that the Commissioner of the RCMP examine what appears to be systematic refusal to obey orders on the part of many members who took part in the events at Saint-Sauveur and Saint-Simon; and that the Commissioner ensure a process is introduced through the chain of command to prevent such a situation from becoming the acceptable norm.

Furthermore, I would like to be informed of any corrective measures taken to date.

Recommendation 28

I recommend that the Commissioner of the RCMP ensure that all the members involved in tactical operations be made aware of the need to document their activities (Continuation Report, form 1624; Prisoner Report, form C-13-1 and personal notes); ensure that the members in charge of arresting units, tactical troops, Police Service Dog teams and Emergency Response Team supervise this activity in order to be duly accountable to the member in charge of operational support and, through the chain of command, the Division Commander.

Recommendation 29

Some persons arrested during the Saint-Sauveur and Saint-Simon events were taken to the Tracadie-Sheila RCMP Detachment. RCMP members photographed and fingerprinted some of them. Most of these persons were released and never charged. In spite of this, their photographs and prints remain in RCMP files contrary to the provisions of the *Identification of Criminals Act*.

> I recommend that the Commissioner of the RCMP ensure that the "J" Division commander take the measures necessary to ensure that the photographs and fingerprints of persons who were never charged with an offence as a result of the May 2, 3 and 4, 1997 events in Saint-Sauveur and Saint-Simon are destroyed.

Recommendation 30

> I recommend that the Commissioner of the RCMP ensure that the "J" Division commander confirms in writing to all the persons contemplated in Recommendation 29 that the photographs and fingerprints collected during the events of May 2, 3 and 4, 1997 have been destroyed.

Finally, I note the absence of tear gas inventory and the lack of accountability for its use. Tear gas is a form of police weapon. Lack of control and accountability make it impossible for police management to evaluate the work done by tear gas launchers or determine whether tear gas use was inappropriate.

Recommendation 31

> I recommend that the Commissioner of the RCMP establish policies regarding the tear gas inventory; and that such policy be added to the *Tactical Operations Manual*.

This investigation report is my interim report under subsection 45.43(3) of the *RCMP Act*, submitted March 28, 2000.

Chair

March 28, 2000

Shirley Heafey
Chair
RCMP Public Complaints Commission
P.O. Box 3423, Station "D"
Ottawa, Ontario
K1P 6L4

NOTE: ORIGINAL IN FRENCH, SIGNED MARCH 28, 2000

APPENDICES

APPENDIX A : SUMMARY OF COMPLAINTS

1. Events in Saint-Sauveur, May 2, 1997

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
1.	980174	February 18, 1998	Gilles Halley Susan Barton	1. Members of the RCMP used too much force in a situation that could have ended peacefully if tactful, diplomatic negotiation had been used.	Well-Founded
				2. The complainants claim that an internal memo, alarmist in tone, was circulated forecasting a riot in Saint-Sauveur on May 2 and that the RCMP acted without considering new events and developments.	Unfounded
				3. Members of the RCMP lacked judgement in having their dogs attack innocent persons whose only fault was that they were at the incident sites.	Well-Founded (Saint-Sauveur) Partially Founded (Saint-Simon)

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				4. Members of the RCMP lacked restraint when they arrested and struck everyone in their path or in the surrounding area.	Partially Founded
				5. The complainants question the need for RCMP authorities to call in the whole arsenal (helicopter, sharpshooters on school roof, sophisticated electronic communication equipment).	Unfounded
				6. The complainants question the need for RCMP authorities to convert the school to an armed headquarters with sufficient weapons to fend off an army.	Unfounded
				7. The complainants wonder why the members of the RCMP needed the tactical troop and the Emergency Response Team.	Partially Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				8. The complainants also wonder why a passing tourist who happened to be on the road where the demonstration was being held was imprisoned in Caraquet and Tracadie after telling the police his story three times.	Well-Founded
2.	980307	March 3, 1998	Marcelle Lanteigne	1. The actions of RCMP members far exceeded what was reasonable. There was no riot, no gangsters, no armed individuals, no outside agitators; there were only ordinary people who had the survival of their community at heart.	Well-Founded
				2. She complained of having to wait about half an hour before being able to drive out of the La Découverte school yard on the evening of May 2, 1997.	Unfounded
3.	980308	March 3, 1998	Silvère Duguay	1. Members of the RCMP used too much violence against the parents.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				2. Members of the RCMP maintained roadblocks and they refused to let him pass when they learned he was from Saint-Sauveur. They wanted to punish him because he was from Saint-Sauveur and lived between the two police roadblocks.	Unfounded
				3. All weekend, the police officers took over the school property and made it their headquarters.	Unfounded
				4. People suffering from chronic illnesses were unable to go to the emergency ward because the highway was blocked by members of the RCMP.	Unfounded
4.	980309	March 3, 1998	Ivy Brideau Martine Brideau	Members of the RCMP intervened with excessive force and violence, constituting an abuse of power.	Well-Founded
				The complainants wonder who was at the source of the intervention.	Not considered an allegation, but dealt with in the report.
5.	980310	March 3, 1998	Pascale Comeau	1. Members of the RCMP used excessive force, including using a dog during the arrest of Bruno Comeau.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				2. The complainants wonder where the order to intervene in Saint-Sauveur originated.	Not considered an allegation, but dealt with in the report.
6.	980311	March 3, 1998	Jérôme Noël	Members of the RCMP used too much force on parents and children who were simply demanding that their school remain open.	Well-Founded
7.	980312	March 3, 1998	Gustave Noël	Members of the RCMP used an unacceptable level of force in the circumstances of May 2 to 4, 1997.	Well-Founded
8.	980313	March 3, 1998	Sara Noël	The force used by members of the RCMP from May 2 to 4, 1997 in Saint-Sauveur was excessive.	Well-Founded
9.	980314	March 3, 1998	*René Hébert	1. Members of the RCMP demonstrated an abuse of power in Saint-Sauveur when they attacked men, women and children with an anti-riot squad armed with dogs, tear gas, etc.	Well-Founded
				2. Members of the RCMP arrested the complainant and his friend without justification, and they were locked up unnecessarily while the police viewed the video.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				3. Members of the RCMP did not offer to drive the complainant and his friend home after they were released.	Unfounded
10.	980315	March 3, 1998	Marguerite Plourde	1. During the march, on the evening of May 2, 1997 in Saint-Sauveur, the RCMP helicopter showed up with its bright light in order to intimidate the crowd.	Unfounded
				2. The RCMP intervention was too massive.	Well-Founded
				3. Vehicles were damaged and people were arrested for no reason.	Partially Founded
				4. A police officer announced to individuals in the school that if they didn't leave they would be arrested.	Unfounded
				5. When they went out, the police officers again used intimidation by following the demonstrators to their vehicles and taking close-ups to intimidate them.	Unfounded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				6. On May 3 and 4, the members of the RCMP set up roadblocks and stopped and searched all the automobiles for no reason. Once again, the RCMP abused its power and its objective in so doing was intimidation.	Unfounded
				7. By their action on May 4, members of the RCMP took residents of Saint-Sauveur hostage and thus demonstrated an abuse of power.	Unfounded
				8. She considers that the police presence was intimidating at the May 2 meeting with the Minister of Education in Bathurst.	Unfounded
11.	980319	March 13, 1998	Gérarda Morais-Thériault	1. During the evening of May 3, when she had stopped at her sister's for a short visit after mass, three patrol cars stopped in her sister's yard and the police officers examined her vehicle. When she started back toward Tracadie, she passed a roadblock and later met another police car. The police officer stopped her for speeding and gave her a ticket. She also got five demerit points on her driver's licence.	Unfounded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				2. The members assigned to Saint-Sauveur and the surrounding area on May 3 and 4, 1997 acted in such a way as to arouse "fear and terror." According to what she saw and heard, the members:	
				a) arrested Ms. Morais-Thériault because she was returning from Saint-Sauveur;	Unfounded
				b) took up posts, carrying their weapons, on the roof of the school;	Unfounded
				c) drove around the village of Saint-Sauveur at great speed to terrify the citizens;	Unfounded
				d) forced everyone to go inside the school and then forced them to leave the school "hands up – as if they were bandits."	Unfounded
12.	980322	March 3, 1998	Gustave Noël Sara Noël	1. On the evening of May 2, 1997, members of the RCMP were violent by using excessive force.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				2. They wonder who made the decision to intervene.	Not considered an allegation, but dealt with in the report.
13.	980323	March 3, 1998	Alfred Breau	RCMP members used too much force and violence. He wonders why they intervened and on whose orders.	Well-Founded
14.	980324	March 3, 1998	Médard Chiasson	1. He calls the presence of the RCMP deployed with so much force (e.g. helicopter, dogs, gas) a real disaster.	Well-Founded
				2. The village was stormed and taken hostage on May 4 by the RCMP.	Unfounded
15.	980325	March 3, 1998	Huguette Noël	1. The RCMP members provoked the residents of Saint-Sauveur and their attack was premeditated.	Unfounded
				2. Members of the RCMP treated the residents of Saint-Sauveur like criminals and terrorists and they set up their headquarters in the school and deployed excessive force.	Partially Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
16.	980326	March 3, 1998	Karine Noël	1. The complainant wonders why members of the RCMP attacked the demonstrators, why they were at the site before the meeting and who made the decision.	Well-Founded
				2. In the afternoon of May 3, a police officer told her father that her little brother did not have the right to wear a hood in the yard; on May 4, the RCMP presence was intimidating.	Partially Founded
17.	980327	March 3, 1998	Gustave Noël, Jr.	Members of the RCMP came to Saint-Sauveur with their dogs, helicopter and tear gas to make war. They were violent. The complainant wants to know who decided to do this.	Well-Founded
18.	980328	March 3, 1998	Irène Mazerolle	1. There was abuse of power and intimidation by members of the RCMP toward the community of Saint-Sauveur.	Well-Founded
				2. The complainant wants to know what role the government played in the massive intervention.	Not considered an allegation, but dealt with in the report.

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				3. The complainant wants to know why members of the RCMP acted with so much violence and force.	Well-Founded
				4. The complainant wants to know why the Saint-Sauveur community was taken hostage during the weekend of May 2, 3 and 4.	Unfounded
19.	980329	March 3, 1998	Monique Ferron	1. Members of the RCMP prevented her from seeing her husband.	Unfounded
				2. A young girl was hit in the face by a tear gas canister.	Well-Founded
				3. As they were coming out of the school on May 2, 1997, the members of the RCMP videotaped them, and members of the RCMP made arrests in the school yard.	Partially Founded
20.	980330	March 3, 1998	Monique Ferron	1. During the day on May 4, members of the RCMP invaded Saint-Sauveur and intimidated the residents. There were roadblocks everywhere and the police officers were searching people for no reason.	Unfounded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				2. At a meeting, Corporal Laliberté made inaccurate statements and the police took possession of the school and made it their headquarters.	Unfounded
21.	980331	March 3, 1998	Albina Duguay	1. Saint-Sauveur was invaded by armed police officers, police dogs, tear gas, and the members of the RCMP stormed a crowd made up of men, the elderly, women and children.	Well-Founded
				2. On May 3, a roadblock prevented the complainant from continuing home and the Constable on duty lacked respect.	Unfounded
				3. On May 4, the school was invaded by police officers and the school yard was damaged. Roadblocks impeded traffic because members of the RCMP arrested them for no reason.	Unfounded
22.	980332	March 3, 1998	Rhéal Ferron	1. Members of the RCMP maintained roadblocks and stopped all vehicles.	Unfounded
				2. He was prevented from seeing and talking to his wife while she was at a meeting with the members of the RCMP in the school, and that this was an abuse of power.	Unfounded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
23.	980333	March 3, 1998	Avila Duguay	The evening of May 2 intervention by members of the RCMP with the tactical squad against peaceful demonstrators is unacceptable; for this reason, there was no "way" to drive his wife to hospital.	Unfounded
24.	980334	March 3, 1998	Rhéal Ferron	1. A tear gas canister hit his car 600 feet from the highway. If the members of the RCMP had been ordered to clear the highway, the complainant wonders what they were doing so far from it.	Partially Founded
				2. The complainant also wonders if the RCMP's mandate was to clear the highway or to terrify and crush an unarmed and innocent population.	Partially Founded
				3. The demonstrators were filmed leaving the school.	Not considered an allegation, but dealt with in the report.
				4. The actions of the RCMP constituted an abuse of power and he demands an investigation into their actions.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				5. His vehicle, parked near the school, was hit by a tear gas bomb.	Unfounded
25.	980335	March 3, 1998	Stéphanie Boudreau	Members of the RCMP fired tear gas into the crowd, forcing them to take refuge in the school and making them feel like hostages.	Well-Founded
26.	980336	March 3, 1998	Diane Haché	During the evening of May 3, the complainant arrived at a roadblock while trying to take her goddaughter home and she was stopped. The Constables told her there was a riot but she went to see and, in her opinion, that statement was not true.	Unfounded
27.	980337	March 3, 1998	Gérald Richard	Members of the RCMP abused their power and sought to intimidate the inhabitants of Saint-Sauveur by using so much force in their intervention.	Well-Founded
28.	980338	March 3, 1998	Conrad Lanteigne	Members of the RCMP attacked the people of Saint-Sauveur for no valid reason, a girl was struck "in the face by a bomb" and a "bomb" struck his vehicle.	Well-Founded
29.	980339	March 3, 1998	Sylvie Noël	1. Members of the RCMP intervened with too much force on May 2.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				2. Members of the RCMP fired tear gas "bombs" and the complainant, her brother and friend were struck by these "bombs".	Well-Founded
30.	980340	March 3, 1998	Donat Hébert	Members of the RCMP treated the people of Saint-Sauveur like criminals when they were demonstrating peacefully.	Well-Founded
31.	980341	March 3, 1998	Jacinthe Hébert	Members of the RCMP treated the people of Saint-Sauveur like criminals and took them hostage because of the simple fact that they wanted to keep their school open.	Partially Founded
32.	980342	March 3, 1998	Jean-Claude Rousselle	Members of the RCMP treated the people of Saint-Sauveur like criminals, took them hostage and harassed them for an indeterminate period.	Partially Founded
33.	980343	March 3, 1998	Placide Rousselle	Between May 2 and 4, 1997, the members of the RCMP who were in Saint-Sauveur used excessive force and took the village hostage.	Partially Founded
34.	980344	March 3, 1998	Janique Guignard	Members of the RCMP used too much force in their intervention during the May 2 demonstration.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
35.	980345	March 3, 1998	Conrad Boudreau	1. Members of the RCMP "fired tear gas bombs that struck" unarmed "people in the legs and on the face"; they were made to feel like criminals, like terrorists.	Partially Founded
				2. During the weekend, members of the RCMP made the Saint-Sauveur residents feel like hostages.	Unfounded
36.	980346	March 3, 1998	Céline Boudreau	The action taken by the members of the RCMP scared them.	Well-Founded
37.	980347	March 3, 1998	Pascal Gionet	1. Members of the RCMP prevented the complainant from going to the fire hall to perform his duties as volunteer fireman.	Unfounded
				2. On the morning of May 2, 1997, police officers ordered the firefighters to direct their hoses at the people on the highway to drive them back. The complainant finds that the members of the RCMP failed to negotiate with a view to remedying the dilemma.	Unfounded
38.	980348	March 3, 1998	Odette Rousselle	1. When the complainant attempted to go and get her children who had taken part in the march, a police officer stopped her by placing his rifle across her stomach in a curt manner.	Unfounded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				2. The actions of the RCMP and the government made the community of Saint-Sauveur look like criminals and the village was taken hostage and harassed by members of the RCMP.	Partially Founded
39.	980349	March 3, 1998	Jim Breau	Members of the RCMP used too much force to resolve a peaceful demonstration and the people of Saint-Sauveur were made to look like criminals and taken hostage and harassed.	Partially Founded
40.	980350	March 3, 1998	Marie-Ève Duguay	The complainant was upset by the action of members of the RCMP who were advancing, making noise with their batons and firing tear gas.	Well-Founded
41.	980351	March 3, 1998	Yvon Godin, MP	1. Members of the RCMP abused their power in order to quiet the demonstrators; they used excessive measures.	Well-Founded
				2. The actions of members of the RCMP infringed on the rights and freedoms of the citizens of Saint-Sauveur and Saint-Simon as protected by the Canadian constitution.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				3. It is necessary to take stock of the decision-making process that led to the action of RCMP members.	Not considered an allegation, but dealt with in the report.
				4. A tourist was arrested and incarcerated even after telling the police his story three times.	Well-Founded
42.	980352	March 3, 1998	Hermel Mazerolle	The mediator, an RCMP member, failed to take the time to listen to the people to learn their intentions, and he wants to know who is responsible for the bad turn of events.	Well-Founded
43.	980353	March 3, 1998	Anita Chiasson	1. Members of the RCMP deployed a force that was unjustified in dealing with the demonstrators and the community of Saint-Sauveur was treated unfairly.	Well-Founded
				2. The complainant wants to know who gave the orders to bring in the RCMP Special Unit.	Not considered an allegation, but dealt with in the report.
44.	980354	March 3, 1998	Thérèse Thomas	Members of the RCMP used excessive force in dealing with the demonstrators.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
45.	980355	March 3, 1998	Gloria Boudreau	1. The demonstration did not require such an exhaustive intervention by members of the RCMP.	Well-Founded
				2. The complainant wants to know who ordered the intervention.	Not considered an allegation, but dealt with in the report.
				3. Members of the RCMP continued to harass the residents of Saint-Sauveur throughout the weekend; the highways were blocked and people could not move around. The community was taken hostage by the RCMP and the police officers were arrogant and disrespectful.	Unfounded
46.	980356	March 3, 1998	Jeannette Hébert	1. During the weekend of May 2, 1997, the force deployed by members of the RCMP to contain the representatives was not justified.	Well-Founded
				2. Her daughter was struck in the face by a "bomb".	Well-Founded
				3. Throughout the weekend, police officers were stopping and searching vehicles.	Unfounded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
47.	980357	March 3, 1998	Rainald Duguay	1. Members fired tear gas "bombs" that struck a number of persons; that drove the people back, causing a woman to fall and injure herself. The complainant states that the force used was excessive for driving back defenceless demonstrators.	Well-Founded
				2. The community was taken hostage by members of the RCMP.	Unfounded
48.	980358	March 3, 1998	Jean-Guy Sonier	1. During the evening of May 3, the complainant contacted the RCMP and no member intervened.	Well-Founded
				2. On May 4, the members of the RCMP decided to intervene in a manner that had not been requested; the people were harassed and there was no justification for this sort of intervention, suggesting that the tactic was to intimidate the "population".	Unfounded
				3. When members of the RCMP left Saint-Sauveur on the evening of May 4, the vehicles sped away and some police officers were driving over both sides of the highway, "endangering" the lives "of community residents".	Unfounded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
49.	980359	March 3, 1998	Roger Hébert	1. The actions of the RCMP members throughout the weekend were unrealistic and provocative; the RCMP abused its power.	Well-Founded
				2. The members of the "riot squad" fired tear gas bombs and injured a number of people. Mr. Hébert's daughter was struck in the face by a "bomb".	Well-Founded
50.	980360	March 3, 1998	Martin Doiron	Members of the RCMP abused their power during the events of May 2 to 4.	Well-Founded
51.	980361	March 3, 1998		The complainant was arrested brutally and searched by three police officers; he was taken into custody and obliged to spend the night in jail even though his parents were at the station.	Partially Found
52.	980362	March 3, 1998	Rénald LeBreton	The way members of the RCMP acted toward the citizens of Saint-Sauveur between May 2 and 4, 1997 was "inhuman".	Well-Founded
53.	980363	March 3, 1998	Paul Rousselle	Members of the RCMP abused their power when they intervened during the May 2 demonstration.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
54.	980364	March 3, 1998	Yan Chiasson	Members of the RCMP were unjustified in acting as they did during the events of May 2.	Well-Founded
55.	980365	March 3, 1998	Lucille Chiasson	Members of the RCMP were unjustified in acting as they did during the events of May 2.	Well-Founded
56.	980366	March 3, 1998	Marc Chiasson	Members of the RCMP were unjustified in acting as they did during the events of May 2 and the people were "physically and psychologically injured".	Well-Founded
57.	980367	March 3, 1998	Pierrette Rousselle	The community of Saint-Sauveur was taken hostage and the members of the RCMP were unjustified in acting as they did during the events of May 2.	Partially Founded
58.	980368	March 3, 1998	Léon Hébert	Members of the RCMP treated the people of Saint-Sauveur like criminals when the people wanted to stand up for their rights.	Partially Founded
59.	980369	March 3, 1998	Marguerite Noël	Members of the RCMP caused panic among the residents of Saint-Sauveur between May 2 and 4, 1997. This is abuse of power.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
60.	980370	March 3, 1998	Jeannie Hébert	It was completely senseless for members of the RCMP to use tear gas bombs to disperse people demonstrating to keep their school open; the people were treated like criminals.	Partially Founded
61.	980371	March 3, 1998	Murielle Gionet Émile Gionet	Members of the RCMP intervened with too much force during the events of May 2 and the community was taken hostage, with no respect for individuals rights.	Partially Founded
62.	980372	March 3, 1998	Renée Gionet	Members of the RCMP provoked the people of Saint-Sauveur when they intervened so violently to contain the demonstrators.	Partially Founded
63.	980373	March 3, 1998	Martin Noël	1. Members of the RCMP spread inaccurate information.	Well-Founded
				2. The intimidation is still going on: when a car caught fire, five or six police officers showed up in Saint-Sauveur and said that they took no chances when they went there.	Unfounded
64.	980374	March 3, 1998	Michel Noël	Members of the RCMP based their actions on inaccurate information, and we need to know who ordered the use of tear gas against the demonstrators.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
65.	980376	March 3, 1998	Janie Noël	Members of the RCMP used force when they attempted to disperse the demonstrators and this terrified the complainant.	Well-Founded
66.	980377	March 3, 1998	Lucienne Duguay	1. The complainant wants to know why the members of the RCMP used so much force when they intervened against the demonstrators.	Well-Founded
				2. During the evening of May 3, the police officers refused to allow the complainant to go through a roadblock.	Unfounded
67.	980378	March 3, 1998	Thérèse Albert	During the weekend of May 2 to 4, 1997, the members of the RCMP abused their power in order to control a peaceful demonstration; she questions the need to use a helicopter, police dogs and tear gas. The complainant wants to know where the decision to deploy so much force originated.	Well-Founded
68.	980385	March 10, 1998	Rosalie Plourde	1. Members of the RCMP used too much force when they intervened on May 2 to disperse the demonstrators and that frightened her.	Well-Founded
				2. The complainant saw police officers brutally arresting people.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
69.	980432	March 26, 1998	Linda Richard	Members of the RCMP used too much force when they intervened on May 2 to disperse the demonstrators.	Well-Founded
70.	980433	March 26, 1998	Nathalie Richard	1. Members of the RCMP used too much force when they intervened on May 2 to disperse the demonstrators.	Well-Founded
				2. Members of the RCMP abused their powers when they attempted to intimidate the residents of Saint-Sauveur on May 3 and 4.	Partially Founded
				3. During the weekend, members of the RCMP maintained roadblocks and carried out unjustified vehicle searches.	Unfounded
				4. The complainant wants to know who gave the police the orders to act in this way, and why.	Not considered an allegation, but dealt with in the report
			Complaints 71 to 146, based on a petition distributed in the community of Saint-Sauveur, are identical. They allege the following:		
				1. RCMP management abused their power and violated civil rights.	Well-Founded

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				2. Members of the RCMP took over La Découverte school as their headquarters.	Well-Founded
				3. The community was taken hostage by members of the RCMP.	Unfounded
71.	980530	April 6, 1998	Albertine Morais		
72.	980531	April 6, 1998	Léo Morais		
73.	980532	April 6, 1998	Annie Duguay		
74.	980533	April 6, 1998	Wayne Ferguson		
75.	*980534*	*April 6, 1998*	*Simon Rousselle*	*Withdrawn*	
76.	*980535*	*April 6, 1998*	*Rolande Rousselle*	*Withdrawn*	
77.	*980536*	*April 6, 1998*	*Mylène Rousselle*	*Withdrawn*	
78.	*980537*	*April 6, 1998*	*Emmanuelle Rousselle*	*Withdrawn*	
79.	980538	April 6, 1998	Gisèle Brideau		
80.	980539	April 6, 1998	Réjean Hébert		
81.	980540	April 6, 1998	Jeannine Mallet		

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
82.	980541	April 6, 1998	Donat Mallet		
83.	980542	April 6, 1998	Alban Noël		
84.	*980543*	*April 6, 1998*	*Alphonsine Noël*	*Withdrawn*	
85.	*980544*	*April 6, 1998*	*David Noël*	*Withdrawn*	
86.	980545	April 6, 1998	Éric Sonier		
87.	980546	April 6, 1998	Stéphane Sonier		
88.	*980547*	*April 6, 1998*	*Nathalie Guignard*	*Withdrawn*	
89.	*980548*	*April 6, 1998*	*Léon Thériault*	*Withdrawn*	
90.	*980549*	*April 6, 1998*	*Daniel Noël*	*Withdrawn*	
91.	980550	April 6, 1998	Bernise Rousselle		
92.	980551	April 6, 1998	Manon Basque		
93.	980552	April 6, 1998	Benoît Roussel		
94.	980553	April 6, 1998	Marielle Roussel		
95.	980554	April 6, 1998	Denis Roussel		
96.	980555	April 6, 1998	*Bruno Comeau		

	Commission No. **2000-PCC-**	**Complaint Received by Commission on**	**Complainant**	**Summary of Complaints**	**Finding**
97.	980556	April 6, 1998	Roseline Plourde		
98.	*980557*	*April 6, 1998*	*Omer Guignard*	*Withdrawn*	
99.	*980558*	*April 6, 1998*	*Priscille Guignard*	*Withdrawn*	
100.	980559	April 6, 1998	Evelyne Basque		
101.	980560	April 6, 1998	Fernand Basque		
102.	*980561*	*April 6, 1998*	*Liette Sonia Rousselle*	*Withdrawn*	
103.	980562	April 6, 1998	Jacqueline Comeau		
104.	980563	April 6, 1998	Jeanne Mance LeBouthilier		
105.	980564	April 6, 1998	Armand LeBouthilier		
106.	980565	April 6, 1998	Gilles Larocque		
107.	980566	April 6, 1998	Irène Larocque		
108.	980567	April 6, 1998	Yvette Duguay		
109.	980568	April 6, 1998	Willy McLaughlin		
110.	980569	April 6, 1998	Jean-Yves Breau		

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
111.	980570	April 6, 1998	Irma Chiasson		
112.	980571	April 6, 1998	George Chiasson		
113.	980572	April 6, 1998	Célina Piwowarek		
114.	980573	April 6, 1998	Rosia Pelletier		
115.	*980574*	*April 6, 1998*	*Hectorina Comeau*	*Withdrawn*	
116.	*980575*	*April 6, 1998*	*Albert Comeau*	*Withdrawn*	
117.	980576	April 6, 1998	Gisèle Paulin		
118.	980577	April 6, 1998	Daniel Ward		
119.	980578	April 6, 1998	Berthe Thériault		
120.	980579	April 6, 1998	Vernon Rousselle		
121.	980580	April 6, 1998	Alfred Robichaud		
122.	980581	April 6, 1998	Rhéal Haché		
123.	980582	April 6, 1998	Annik Mallet		
124.	980583	April 6, 1998	*Clarence McLaughlin		
125.	980584	April 6, 1998	Claudette Downing		

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
126.	980585	April 6, 1998	André Hébert		
127.	980586	April 6, 1998	Lucille Duguay		
128.	980587	April 6, 1998	Laurier Duguay		
129.	980588	April 6, 1998	Nadine Chiasson		
130.	980589	April 6, 1998	Kenneth Chiasson		
131.	980590	April 6, 1998	Bernard Gionet		
132.	980591	April 6, 1998	Robert Gionet		
133.	980592	April 6, 1998	Fernande Gionet		
134.	980593	April 6, 1998	Diva Plourde		
135.	980594	April 6, 1998	Rémi Plourde		
136.	980595	April 6, 1998	Octave Savoie		
137.	980596	April 6, 1998	Mike Duke		

	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
138.	980597	April 6, 1998	Diane Duke	• In addition to signing the petition, this complainant filed a specific complaint to the effect that, at approximately 8:00 p.m. on May 4, she was driving west on Highway 160. Three RCMP vans were headed the other way and, as she approached them, an unmarked car swerved out without warning and forced her off the highway to avoid a head-on collision.	Well-Founded
139.	980655	April 6, 1998	Diane Morais		
140.	980656	April 6, 1998	Gilbert Morais		
141.	980657	April 6, 1998	Yves Chiasson		
142.	980658	April 6, 1998	Joanne Paulin		
143.	980701	April 6, 1998	Sylvie Duguay		
144.	980702	April 6, 1998	François Duguay		
145.	980703	April 6, 1998	Nicole Losier-Chiasson		
146.	980704	April 6, 1998	Roger Chiasson		

Note : an asterisk indicates persons arrested in relation to the May 2, 1997 demonstration.

3. Events in Saint-Simon, May 4, 1997

Complaint No.	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
1	980174	February 18, 1998	Gilles Halley Susan Barton	See Saint-Sauveur	
41	980351	March 3, 1998	Yvon Godin	See Saint-Sauveur	
147	980178	February 19, 1998	Géraldine Hébert	1. On May 4, 1997, members of the RCMP manhandled Ms. Hébert and two young men accompanying her when they were doing nothing whatsoever to deserve police intervention.	Well-Founded
				2. Ms. Hébert complains about the conduct of unidentified members from the province of New Brunswick, specifically the Caraquet and Tracadie detachments, for using excessive force for no valid reason, making arrests without reasonable grounds and also permitting the dogs to bite her two young companions.	Well-Founded

Complaint No.	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
148	980183	February 19, 1998	Sonia Ward-Lebouthilier	On May 4, 1997, the members of the New Brunswick tactical troop used excessive force to disperse demonstrators.	Well-Founded
149	980188	February 20, 1998	Mireille Manuel	1. The force deployed by the RCMP Special Unit on May 4, 1997 was too great when and were bitten by police service dogs and when Christian Noël's face was injured by police officers. All three were injured during the altercation.	Well-Founded
				2. Members of the RCMP used excessive force to disperse the demonstrators.	Well-Founded
150	980261	March 3, 1998	Marie-Jeanne Chiasson	1. RCMP management was not justified in calling out the tactical troop; they used excessive force and there were armed police officers in the woods.	Partially Founde
				2. Some unidentified members allowed their dogs to bite people who were demonstrating peacefully.	Well-Founded
				3. A number of persons were injured during the confrontation.	Well-Founded

Complaint No.	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				4. Injured persons did not receive adequate medical treatment within a reasonable time.	Well-Founded
151	980262	March 3, 1998	Maryse Chiasson	1. Members of the RCMP used excessive force to disperse the demonstrators.	Well-Founded
				2. Pierre Lanteigne was brutally arrested and pulled out of his car; he was thrown to the ground, handcuffed and taken into custody.	Well-Founded
				3. Members of the RCMP intervened with no warning, no loudspeaker, hitting their shields, and the dogs were barking.	Well-Founded
152	980263	March 3, 1998	Rosemonde Losier	1. On May 4, 1997, . was mistreated by the police officers for no valid reason; he was bitten on the side and on the arm by two dogs, thrown to the ground, beaten with a baton, handcuffed and taken to prison. He was released without being charged.	Well-Founded

Complaint No.	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				2. Members of the RCMP refused to provide adequate medical treatment within a reasonable time.	Well-Founded
153	980276	March 4, 1998	Isabelle Léger	1. Members of the RCMP used excessive force to disperse the demonstrators.	Well-Founded
				2. The special unit went into action without the demonstrators being warned, i.e. the communication agreement between the Parents' Committee and the RCMP was broken.	Well-Founded
				3. Police officers hit Pierre Lanteigne's car with their batons, forced him out of his vehicle, threw him to the ground, handcuffed him and took him away.	Well-Founded
				4. Members of the RCMP did nothing to repair the image they left in the community.	Well-Founded

Complaint No.	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				5. Sergeant Bernard Lajoie and other unidentified members from the Caraquet Detachment failed to maintain adequate liaison with the community of Saint-Simon. Furthermore, Sergeant Lajoie did not go and meet with the students as he had promised.	Well-Founded
154	980277	March 4, 1998	Agnès Savoie	1. On May 4, 1997, there were too many RCMP members and they used excessive force to disperse the demonstrators.	Well-Founded
				2. Police officers allowed their dogs to bite and injure	Well-Founded
155	980279	March 4, 1998	Claude Doiron	1. On May 4, 1997, the special unit was brought in with no warning to the demonstrators and communication with the citizens of Saint-Simon was broken off.	Well-Founded

Complaint No.	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				2. Members of the RCMP equipped with batons, accompanied by their dogs and firing tear gas used excessive force to disperse the demonstrators.	Partially Founded
156	980280	March 5, 1998	Johanne Landry-Gallien	1. By using the tactical troop on May 4, 1997, members of the RCMP used excessive force to bring an end to a peaceful demonstration; there was no attempt to communicate with demonstrators.	Well-Founded
				2. A number of persons were injured by dogs. She complains that the members failed to adequately control their dogs.	Well-Founded
157	980281	March 5, 1998	Elmira Mallais	1. Members of the RCMP used excessive force to disperse the demonstrators.	Well-Founded

Complaint No.	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				2. was beaten with batons and bitten by dogs. Members of the RCMP did not provide him with adequate medical treatment within a reasonable time.	Partially Founded
158	980282	March 5, 1998	Fernande LeBreton	1. Members of the RCMP abused their power in order to disperse the demonstrators; no warning was given and tear gas was used.	Partially Founded
				2. When arresting Pierre Lanteigne, the police officers threw him to the ground and handcuffed him.	Well-Founded
				3. Police officers hit and broke the rear window of Mr. Bertrand Gallien's vehicle.	Unfounded
159	980283	March 6, 1998	Gisèle Savoie	Police officers failed to maintain adequate control over their dogs because the latter bit and injured on May 4, 1997.	Well-Founded

Complaint No.	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
160	980286	March 9, 1998	Dérilda Morel	1. The young people of Saint-Sauveur and Saint-Simon were mistreated by members of the RCMP.	Well-Founded
				2. The injured did not receive appropriate medical treatment within a reasonable time.	Well-Founded
161	980321	March 13, 1998	*Lionel Foulem	1. The complainant was a tourist in the area when he was stopped by police officers and arrested.	Well-Founded
				2. A friend who tried to assist the complainant was bitten by dogs and beaten with batons.	Partially Founded
				3. Members of the RCMP neglected to obtain adequate medical treatment for the complainant and his friend.	Partially Founded
162	980390	March 18, 1998	Normand Albert	The force used by members of the RCMP was excessive, leading to the injuries suffered by Lionel Foulem and	Well-Founded

Complaint No.	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
163	980430	March 24, 1998	Émilien Foulem	Members of the RCMP used excessive force to disperse the demonstrators. He was affected by tear gas.	Well-Founded
	980431	March 24, 1998		The complainant, and Géraldine Hébert were mistreated by the police officers: they were forced out of the vehicle they were occupying, immobilized, handcuffed and taken into custody. The complainant and were injured by dogs and the RCMP members failed to obtain medical treatment for them within a reasonable time.	Well-Founded
165	980439	March 26, 1998	Normand Albert	Members of the RCMP used excessive force to disperse the demonstrators and should not have used the tactical troop.	Well-Founded
166	980440	March 27, 1998	Hédard Albert	Members of the RCMP used excessive force to disperse the demonstrators.	Well-Founded

Complaint No.	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
167	980441	March 24, 1998	Denise Mallet	1. Members of the RCMP spread inaccurate information to justify their actions.	Well-Founded
				2. Members of the RCMP used excessive force to disperse the demonstrators, including dogs who bit and injured individuals.	Well-Founded
				3. Members of the RCMP lacked diligence in that they failed to obtain adequate medical treatment for the injured within a reasonable time.	Well-Founded
168	980454	April 3, 1998	Jacqueline Albert Éloi Albert	1. On the evening of May 4, the members of the special unit entered his property without permission.	Unfounded
				2. Police officers referred to those present as "God-damn Frenchman".	Unfounded

Complaint No.	Commission No. 2000-PCC-	Complaint Received by Commission on	Complainant	Summary of Complaints	Finding
				3. Police officers used excessive force and intimidation by using dogs, hitting individuals with batons, speeding, parking in the church yard and squealing their tires.	Partially Founded
				4. Police officers showed a reprehensible attitude by threatening to handcuff the complainant's 88-year-old father.	Unfounded
169	980606	March 24, 1998	Joanne Paulin	1. On May 4, 1997, members of the RCMP used excessive force to disperse the demonstrators.	Well-Founded
				2. The complainant's leg was injured by a tear gas canister.	Unfounded
170	980607	March 24, 1998	Andréa Paulin	Members of the RCMP used excessive force to disperse the demonstrators (e.g. using police dogs). As she was running away, she fell and broke her dental prosthesis.	Well-Founded

Note : an asterisk indicates persons arrested in relation to the May 4, 1997 demonstration.

APPENDIX B : STATEMENTS/COMMENTS

1. Events in Saint-Sauveur, May 2, 1997

	Commission No. 2000-PCC-	Complainants and Other Citizens Interviewed	Statement/Comments
1.	980174	Gilles Halley	Appendix 51-Sa
		Jean-Marie Nadeau	Appendix 69-Sa
		Susan Barton	Notes to file
2.	980307	Marcelle Lanteigne	Appendix 34-Sa
3.	980308	Silvère Duguay	Appendix 29-Sa
4.	980309	Ivy Brideau	Appendix 68-Sa
		Martine Brideau	Notes to file
5.	980310	Pascale Comeau	Appendix 22-Sa
6.	980311	Jérôme Noël	Appendix 35-Sa
7.	980312	Gustave Noël	Notes to file
8.	980313	Sara Noël	Notes to file
9.	980314	*René Hébert	Appendix 44-Sa
10.	980315	Marguerite Plourde	Notes to file
11.	980319	Gérarda Morais-Thériault	Appendix 27-Sa

	Commission No. 2000-PCC-	Complainants and Other Citizens Interviewed	Statement/Comments
12.	980322	Gustave Noël	Notes to file
		Sara Noël	Notes to file
13.	980323	Alfred Breau	Appendix 7-Sa
14.	980324	Médard Chiasson	Appendix 10-Sa
15.	980325	Huguette Noël	Appendix 40-Sa
16.	980326	Karine Noël	Notes to file
17.	980327	Gustave Noël, Jr.	Appendix 41-Sa
18.	980328	Irène Mazerolle	Appendix 6-Sa
19.	980329	Monique Ferron	Appendix 18-Sa
20.	980330	Monique Ferron	Appendix 18-Sa
21.	980331	Albina Duguay	Appendix 8-Sa
22.	980332	Rhéal Ferron	Appendix 19-Sa
23.	980333	Avila Duguay	Appendix 9-Sa
24.	980334	Rhéal Ferron	Appendix 19-Sa
25.	980335	Stéphanie Boudreau	Notes to file
26.	980336	Diane Haché	Appendix 1-Sa
27.	980337	Gérald Richard	Appendix 17-Sa
28.	980338	Conrad Lanteigne	Notes to file

	Commission No. 2000-PCC-	Complainants and Other Citizens Interviewed	Statement/Comments
29.	980339	Sylvie Noël	Appendix 36-Sa
30.	980340	Donat Hébert	Appendix 4-Sa/Absent during events
31.	980341	Jacinthe Hébert	Appendix 3-Sa
32.	980342	Jean-Claude Rousselle	Notes to file
33.	980343	Placide Rousselle	Unable to meet/Notes to file
34.	980344	Janique Guignard	Appendix 45-Sa
35.	980345	Conrad Boudreau	Appendix 38-Sa
36.	980346	Céline Boudreau	Notes to file/Absent during events
37.	980347	Pascal Gionet	Appendix 13-Sa/Absent during events
38.	980348	Odette Rousselle	Notes to file
39.	980349	Jim Breau	Appendix 15-Sa
40.	908350	Marie-Ève Duguay	Notes to file
41.	980351	Yvon Godin, MP	Appendix 71-Sa
42.	980352	Hermel Mazerolle	Appendix 16-Sa
43.	980353	Anita Chiasson	Appendix 26-Sa
44.	980354	Thérèse Thomas	Appendix 28-Sa
45.	980355	Gloria Boudreau	Appendix 37-Sa
46.	980356	Jeannette Hébert	Appendix 42-Sa

	Commission No. 2000-PCC-	Complainants and Other Citizens Interviewed	Statement/Comments
47.	980357	Rainald Duguay	Appendix 49-Sa
48.	980358	Jean-Guy Sonier	Appendix 21-Sa
49.	980359	Roger Hébert	Appendix 43-Sa
50.	980360	Martin Doiron	Appendix 2-Sa
51.	980361		Appendix 20-Sa
52.	980362	Rénald LeBreton	Notes to file
53.	980363	Paul Rousselle	Appendix 39-Sa
54.	980364	Yan Chiasson	Declined to be interviewed/Notes to file
55.	980365	Lucille Chiasson	Appendix 33-Sa
56.	980366	Marc Chiasson	Appendix 30-Sa
57.	980367	Pierrette Rousselle	Appendix 70-Sa
58.	980368	Léon Hébert	Appendix 5-Sa
59.	980369	Marguerite Noël	Appendix 31-Sa
60.	980370	Jeannie Hébert	Notes to file
61.	980371	Murielle Gionet	Appendix 11-Sa
		Émile Gionet	Appendix 12-Sa
62.	980372	Renée Gionet	Appendix 14-Sa
63.	980373	Martin Noël	Appendix 32-Sa

	Commission No. **2000-PCC-**	**Complainants and Other Citizens Interviewed**	**Statement/Comments**
64.	980374	Michel Noël	Appendix 67-Sa
65.	980376	Janie Noël	Notes to file
66.	980377	Lucienne Duguay	Notes to file
67.	980378	Thérèse Albert	Appendix 24-Sa
68.	980385	Rosalie Plourde	Notes to file
69.	980432	Linda Richard	Appendix 25-Sa
70.	980433	Nathalie Richard	Notes to file
71.	980530	Albertine Morais	Appendix 63-Sa
72.	980531	Léo Morais	Appendix 62-Sa
73.	980532	Annie Duguay	Notes to file
74.	980533	Wayne Ferguson	Notes to file
75.	*980534*	*Simon Rousselle*	*Withdrawn*
76.	*980535*	*Rolande Rousselle*	*Withdrawn*
77.	*980536*	*Mylène Rousselle*	*Withdrawn*
78.	*980537*	*Emmanuelle Rousselle*	*Withdrawn*
79.	980538	Gisèle Brideau	Notes to file
80.	980539	Réjean Hébert	Notes to file
81.	980540	Jeannine Mallet	Notes to file

	Commission No. 2000-PCC-	Complainants and Other Citizens Interviewed	Statement/Comments
82.	980541	Donat Mallet	Notes to file
83.	980542	Alban Noël	Appendix 61-Sa
84.	980543	Alphonsine Noël	Appendix 61-Sa
85.	*980544*	*David Noël*	*Withdrawn*
86.	980545	Éric Sonier	Appendix 66-Sa
87.	980546	Stéphane Sonier	Notes to file
88.	*980547*	*Nathalie Guignard*	*Withdrawn*
89.	*980548*	*Léon Thériault*	*Withdrawn*
90.	*980549*	*Daniel Noël*	*Withdrawn*
91.	980550	Bernise Rousselle	Appendix 59-Sa
92.	980551	Manon Basque	Appendix 64-Sa
93.	980552	Benoît Roussel	Appendix 64-Sa
94.	980553	Marielle Roussel	Notes to file
95.	980554	Denis Roussel	Notes to file/Absent during events
96.	980555	*Bruno Comeau	Appendix 23-Sa
97.	980556	Roseline Plourde	Notes to file
98.	*980557*	*Omer Guignard*	*Withdrawn*
99.	*980558*	*Priscille Guignard*	*Withdrawn*

	Commission No. **2000-PCC-**	**Complainants and Other Citizens Interviewed**	**Statement/Comments**
100.	980559	Evelyne Basque	Notes to file
101.	980560	Fernand Basque	Notes to file/Absent during events
102.	*980561*	*Liette Sonia Rousselle*	*Withdrawn*
103.	980562	Jacqueline Comeau	Notes to file
104.	980563	Jeanne Mance LeBouthilier	Notes to file
105.	980564	Armand LeBouthilier	Notes to file
106.	980565	Gilles Larocque	Notes to file
107.	980566	Irène Larocque	Notes to file
108.	980567	Yvette Duguay	Notes to file
109.	980568	Willy McLaughlin	Notes to file
110.	980569	Jean Yves Breau	Notes to file/Absent during events
111.	980570	Irma Chiasson	Notes to file
112.	980571	George Chiasson	Notes to file
113.	980572	Célina Piwowarek	Notes to file
114.	980573	Rosia Pelletier	Notes to file
115.	*980574*	*Hectorine Comeau*	*Withdrawn*
116.	*980575*	*Albert Comeau*	*Withdrawn*
117.	980576	Gisèle Paulin	Notes to file/Absent during events

	Commission No. **2000-PCC-**	**Complainants and Other Citizens Interviewed**	**Statement/Comments**
118.	980577	Daniel Ward	Notes to file/Absent during events
119.	980578	Berthe Thériault	Notes to file
120.	980579	Vernon Rousselle	Notes to file
121.	980580	Alfred Robichaud	Appendix 53-Sa
122.	980581	Rhéal Haché	Notes to file
123.	980582	Annik Mallet	Appendix 47-Sa
124.	980583	*Clarence McLaughlin	Notes to file
125.	980584	Claudette Downing	Notes to file
126.	980585	André Hébert	Notes to file/Absent during events
127.	980586	Lucille Duguay	Appendix 55-Sa
128.	980587	Laurier Duguay	Appendix 56-Sa
129.	980588	Nadine Chiasson	Notes to file
130.	980589	Kenneth Chiasson	Notes to file
131.	980590	Bernard Gionet	Appendix 57-Sa
132.	*980591*	*Robert Gionet*	*Withdrawn*
133.	980592	Fernande Gionet	Appendix 57-Sa
134.	980593	Dina Plourde	Notes to file
135.	980594	Rémi Plourde	Declined to be interviewed

	Commission No. 2000-PCC-	Complainants and Other Citizens Interviewed	Statement/Comments
136.	980595	Octave Savoie	Appendix 54-Sa
137.	980596	Mike Duke	Notes to file/Absent during events
138.	980597	Diane Duke	Appendix 65-Sa
139.	980655	Diane Morais	Appendix 60-Sa
140.	980656	Gilbert Morais	Notes to file
141.	980657	Yves Chiasson	Appendix 46-Sa
142.	980658	Joanne Paulin	Appendix 58-Sa
143.	980701	Sylvie Duguay	Appendix 48-Sa
144.	980702	François Duguay	Notes to file
145.	980703	Nicole Losier-Chiasson	Notes to file
146.	980704	Roger Chiasson	Notes to file
		*Bruno Chiasson	Appendix 72-Sa
		*Éric Boudreau	Notes to file
		*Marcel Doiron	Notes to file
		*Serge Hébert	Notes to file
		Danielle Cormier	Notes to file

	Commission No. 2000-PCC-	Complainants and Other Citizens Interviewed	Statement/Comments
		James Duffield	Notes to file
		André St-Pierre	Notes to file
		Jean Maurice Losier	Notes to file

Note: an asterisk indicates persons arrested in relation to the May 2, 1997 demonstration and the entries in italics are complaints that have been withdrawn.

2. Events in Saint-Simon, May 4, 1997

	Commission No. 2000-PCC-	Complainants and Other Citizens Interviewed	Statement/Comments
1	980174	Gilles Halley	Appendix 51-Sa
		Jean-Marie Nadeau	Appendix 69-Sa
41	980351	Yvon Godin	Appendix 71-Sa
147	980178	*Géraldine Hébert	Appendix 2A-Si
148	980183	Sonia Ward-Lebouthilier	Appendix 1A-Si
149	980188	Mireille Manuel	Appendix 4-Si
150	980261	Marie-Jeanne Chiasson	Appendix 9D-Si
151	980262	Maryse Chiasson	Appendix 9C-Si
152	980263	Gabriel Losier	Appendix 4C-Si
		Rosemonde Losier	Appendix 6-Si
			Appendix 7-Si
153	980276	Isabelle Léger	Appendix 12-Si
		Bertrand Gallien	Appendix 16-Si
154	980277	Agnès Savoie	Appendix 3-Si
155	980279	Claude Doiron	Appendix 29-Si

	Commission No. 2000-PCC-	Complainants and Other Citizens Interviewed	Statement/Comments
156	980280	Johanne Landry-Gallien	Appendix 2-Si
157	980281	Elmira Mallais	Appendix 1-Si
158	980282	Fernande LeBreton	Appendix 8A-Si
159	980283	Gisèle Savoie	Appendix 5-Si
160	980286	Dérilda Morel	Appendix 9-Si
		Nadia Morel	Appendix 9A-Si
		Étienne Noël	Appendix 9B-Si
161	980321	*Lionel Foulem	Appendices 10-Si et 11-Si
		Jeanine Hébert	Appendix 34-Si
		*Robert Jobin	Appendix 34-Si
162	980390	Normand Albert	Appendix 8-Si
163	980430	Émilien Foulem	Appendix 13-Si
164	980431		Appendix 2B-Si
165	980439	Normand Albert	Appendix 8-Si
166	980440	Hédard Albert	Appendix 33-Si
167	980441	Denise Mallet	Notes to file
168	980454	Jacqueline Albert	Appendix 14-Si
		Éloi Albert	Appendix 15-Si

	Commission No. 2000-PCC-	Complainants and Other Citizens Interviewed	Statement/Comments
169	980606	Joanne Paulin	Appendix 30-Si
170	980607	Andréa Paulin	Appendix 31-Si
		Jean-Pierre Arsenault	Appendix 32-Si
		*Roger Foulem	Appendices 17-Si, 18-Si, 19-Si & 20-Si
		*Lucette Foulem	Appendices 21-Si, 21A-Si & 21B-Si
		*Antoine Godin	Appendix 22-Si
		*Pierre Lanteigne	Appendix 23-Si
		*François Lanteigne	Appendix 27-Si
		*Christian Noël	Appendix 28-Si
		*Albertin Albert	Appendix 35-Si
		*Jean-Dominique Mallet	Notes to file
		*Mario Savoie	Appendix 36-Si
		*Marc Savoy	Appendix 37-Si
		*Paul Albert	Notes to file
		Mario Chiasson	Appendix 38-Si
		Danielle Plourde	Appendix 39-Si
		Mario Landry	Appendix 42-Si
		Keith Coughlan	Appendix 40-Si

	Commission No. **2000-PCC-**	**Complainants and Other Citizens Interviewed**	**Statement/Comments**
		Angelina Cool	Appendix 41-Si
		Dave Crase	Notes to file

Note: an asterisk indicates persons arrested in relation to the May 4, 1997 demonstration.

APPENDIX C : RCMP PERSONNEL[404]

Unit	Member	Position	Statement
Administration	Assistant Commissioner Garry J. Loeppky	Commander "J" Div.	Appendix P87
Criminal Operations	Chief Superintendent Michel J.D. Séguin	Officer in charge	Appendix P85
Criminal Operations	Staff Sergeant Brian Griffiths	Non-Commissioned Officer in Charge	Appendix P79
Operational Support	Inspector René-Pierre Tremblay	Officer in Charge	Appendix P5
District No. 8	Staff Sergeant Charles Castonguay	Non-Commissioned Officer in Charge	Appendix P2
District No. 8	Sergeant J. Bernard G. Lajoie	Non-Commissioned Officer in Charge	Appendix P3
District No. 8	Corporal Richard B. Somers	Logistics	Appendix P65
	Corporal Shawn Ryan	Logistics	Appendix P33
Tactical Troop	Sergeant Michel Potvin	Non-Commissioned Officer in Charge	Appendix P7
	Constable Christian Lamarre	2nd Line	Appendix P6
	Constable Jean-René Lévesque	1st Line	Appendix P8
	Constable Mario Lafrance	1st Line	Appendix P26
	Constable Al E. Comeau	1st Line	Appendix P27
	Constable Bruno Arseneau	1st Line	Appendix P29
	Constable J.M. Richard Bernard	2nd Line "Signalman"	Appendix P30
	Constable Jean-Pierre Goyette	Undetermined	Appendix P31

---

[404] At time of the events

Unit	Member	Position	Statement
	Constable Pierre Laviolette	1st Line	Appendix P32
	Constable Daniel Haché	1st Line	Appendix P36
	Constable Léo Charles Pelletier	2nd Line	Appendix P37
	Constable Gerry Landry	2nd Line	Appendix P50
	Constable André Pépin	1st Line	Appendix P51
	Corporal Paul Ouellette	1st Line	Appendix P52
	Constable Benoît Bibeau	Undetermined	Appendix P54
	Constable J.B. Laurie Maillet	1st Line	Appendix P55
	Constable Michel Joseph Porlier	Undetermined	Appendix P58
	Constable Keith C. Head	Undetermined	Appendix P59
	Constable Marco Vachon	1st Line	Appendix P53
	Constable Mark Janes	2nd Line	Appendix P62
	Constable Allen J.J. Farrah	1st Line	Appendix P63
	Constable Denis Miller	2nd Line	Appendix P64
	Corporal Gilles J. Maillet	Undetermined/ext. right	Appendix P81
	Corporal Steve Dunn	1st Line	Appendix P83
	Constable Sylvain LeBlanc	1st Line	Notes to file
	Constable James Bates	1st Line	Appendix P73
	Constable Daniel Guy	1st Line	Appendix P71
	Corporal Rosaire Girard	1st Line	Appendix P70
	Constable Éric Sylvain	2nd Line	Notes to file
Tear Gas Launchers			
	Constable J. Réal R. Boivin		Appendix P28
	Constable Michel Trahan		Appendix P48

Unit	Member	Position	Statement
	Constable Roland Wells		Appendix P60
	Constable Jacques Audoux		Notes to file
Emergency Response Team	Sergeant Wilfrid Hiscock	Non-Commissioned Officer in Charge	Appendix P74
	Sergeant Thomas Spink	Asst. Non-Commissioned Officer in Charge	Appendix P86
	Corporal John Jurcina	In charge, Sharpshooters/observers	Appendix P77
	Sergeant Roger M. Somers	To rear of troop	Appendix P80
	Constable Raynald Martin	To rear of troop	Appendix P56
	Corporal Timothy P. Belliveau	To rear of troop	Appendix P88
	Corporal John Ferris MacLean	To rear of troop	Appendix P69
	Corporal John Welcher	To rear of troop	Appendix P72
	Constable Mark Perriard	To rear of troop	Notes to file
	Constable E.J. Thériault	To rear of troop	Notes to file
	Corporal Dan Quirion (Saint-Sauveur only)	To rear of troop	Appendix P90
Arrest Team (behind teams listed above) Saint-Sauveur & Saint-Simon	Corporal J.L.L.L. Fauteux		Appendix P17
	Constable Richard Ross		
	Constable J.E. Renaud Bourdages		Appendix P57
	Constable M.C. Lyne Couture		Appendix P13
	Constable Jacques Boisvert		Appendix P46
	Constable Michael Babineau		Appendix P44
	Constable J.N. Martin Hachey		Appendix P40

Unit	Member	Position	Statement
Saint-Sauveur	Constable Jean-Yves Deroy	Driver	Appendix P39
	Constable Darryl Perry		Notes to file
	Corporal Michel Pagé	Team leader	Appendix P15
	Corporal Wayne A. Jacquard	Team leader	Appendix P25
	Constable G.A. Raymond Danis		Appendix P11
	Constable Jacques Giroux		Appendix P16
	Constable Luc Touchette		Appendix P91
Saint-Simon	Constable Sophie Déry		Appendix P67
	Constable Denis Paradis	Driver	Appendix P10
	Corporal Wayne Jacquard	Driver	Appendix P25
	Constable John Godfrey Martin		Appendix P41
	Constable Brian Sabattis		Appendix P47
	Constable J.L. Alain Tremblay		Notes to file
Police Service Dog Teams			
	Corporal Pierre Gardner		Appendix P4
	Corporal Jean Blondin		Appendix P89
	Corporal Donald Chenel		Appendix P78
	Corporal David R. Willson (Saint-Simon only)		Appendix P82
Identification Unit			
	Corporal Michel Lamanque		Appendix P38
	Corporal Fidèle J.A. St-Amand		Appendix P35

Unit	Member	Position	Statement
Helicopter (Saint-Sauveur only)			
	Staff Sergeant Steve L. Seiffert	Pilot	Appendix P76
	Sergeant Charles Lemay		Appendix P9
Regular Force			
Saint-Sauveur (May 2, 1997)			
	Corporal Denis Laliberté	Roadblock (firehall)	Appendix P14
	Constable Claude Robichaud	Roadblock (Shell)	Appendix P12
	Constable John Godfrey Martin	Roadblock (Shell)	Appendix P41
	Constable Luc Fournier	Roadblock (firehall)	Appendix P42
	Constable André Arseneau	Roadblock (firehall)	Notes to file
	Constable Marc J. Plourde	Roadblock (firehall)	Appendix P49
	Constable Luc Thibeault	Roadblock (Butte d'or)	Appendix P66
	Constable J.S. Gaétan Messier	Patrol	Appendix P61
Saint-Simon (May 4, 1997)			
	Constable Rick Tessier	Roadblock (church)	Appendix P37A
	Constable G.A. Raymond Danis	Roadblock (church)	Appendix P11
	Corporal Michel Pagé	Roadblock (church)	Appendix P15
	Constable Jacques Giroux	Roadblock (church)	Appendix P16
	Constable Guy Turcotte	Roadblock (church)	Notes to file
	Constable Luc Touchette	Roadblock (church)	Appendix P91

Unit	Member	Position	Statement
	Constable Bruno Saindon	Supervision school	Appendix P22
	Constable Scott Myles	Roadblock (church)	Appendix P43
	Constable Luc Thibeault	Roadblock (church)	Appendix P66
	Constable J.R.M. Beaupré	Paramedical	Notes to file
	Constable Luc Fournier	Roadblock	Appendix P42
Major Crimes Unit	Constable Andréane Boutet	Investigator/Not involved	Notes to file
	Constable Michelle Ducharme	Investigator/Not involved	Notes to file
Additional Witness	Chief Superintendent Joseph Normand Boucher	Canadian Police College	Appendix P84

Note : When the information available was insufficient to classify the police officers in one of the available categories, they were added to the regular force list.

APPENDIX D : SUPPORTING EVIDENCE/DOCUMENTS

	Date Received	Source	Description	File
1.	April 7, 1998	Roger Foulem	Personal statement dated January 22, 1998	980188
2.	April 7, 1998	Roger Foulem	Personal statement dated April 1, 1998	980188
3.	April 7, 1998	Roger Foulem	Statement of Lucette Foulem dated January 22, 1998	980188
4.	April 7, 1998	Roger Foulem	Statement of Lucette Foulem dated April 1, 1998	980188
5.	April 7, 1998	Roger Foulem	Copy – Form 1442 dated September 5, 1997	980188
6.	April 7, 1998	Roger Foulem	Copy of cheque dated August 8, 1997 - $1,055.97	980188
7.	April 7, 1998	Roger Foulem	Photographic negative	980188
8.	March 26, 1998	Mireille Manuel	Document dated March 8, 1998	980188
9.	April 20, 1998	Avila Duguay	Video cassette	980333
10.	April 20, 1998	Avila Duguay	Cartridge case	980333
11.	April 24, 1998	Elmira Mallais	Video cassette	980281
12.	April 22, 1998	Thérèse Albert	Copy of cheque dated January 9, 1999 – $1,203.19	980378
13.	April 23, 1998	Gérarda Morais-Thériault	Letter to the editor	980319
13. a	April 23, 1998	Gérarda Morais-Thériault	Copy of a traffic ticket	980319
14.	April 24, 1998	Clarence Savoie	Description – distress flare	980319
15.	April 25, 1998	Sylvie Noël	Video cassette	980339
16.	April 26, 1998	Gilles Halley	6 pages – use of force	980174

	Date Received	Source	Description	File
17.	May 15, 1998	Sylvère Duguay	2-page letter	920308
18.	May 21, 1998	Julien Lachance	Photographs of approaches to Saint-Simon	PCC Registrar
19.	May 21, 1998	Chief Aubin Albert	Reports concerning events in Saint-Simon, including statements by him and his staff	PCC Registrar
20.	June 2, 1998	Assistant Commissioner Garry J. Loeppky	Video of events in Saint-Simon and Saint-Sauveur	PCC Registrar
21.	June 2, 1998	Assistant Commissioner Garry J. Loeppky	Documentation relevant to investigation	PCC Registrar
22.	June 2, 1998	Assistant Commissioner Garry J. Loeppky	Documentation relevant to investigation	PCC Registrar
23.	June 2, 1998	Assistant Commissioner Garry J. Loeppky	Photographs of Saint-Simon and Saint-Sauveur	PCC Registrar
24.	June 29, 1998	Pony Express – RCMP	June 1998 Article "Standing Their Ground" concerning the tactical troop	PCC Registrar
25.	October 8, 1998	Staff Sergeant B. Lajoie	Tear gas policy	PCC Registrar
26.	October 8, 1998	Staff Sergeant B. Lajoie	Policy Crowd control - gas	PCC Registrar
27.	October 8, 1998	Staff Sergeant B. Lajoie	Document entitled "When Is An Order Not An Order"	PCC Registrar
28.	October 27, 1998	Sergeant C. Lemay	E-mail dated 12/2/97 entitled "RCMP Kennels Procedures"	PCC Registrar
29.	October 27, 1998	Sergeant C. Lemay	Lists of RCMP members involved in Saint-Simon	PCC Registrar
30.	November 17, 1998	Chief Aubin Albert	Statement – Sergeant R. Landry (Caraquet Municipal Police force)	PCC Registrar

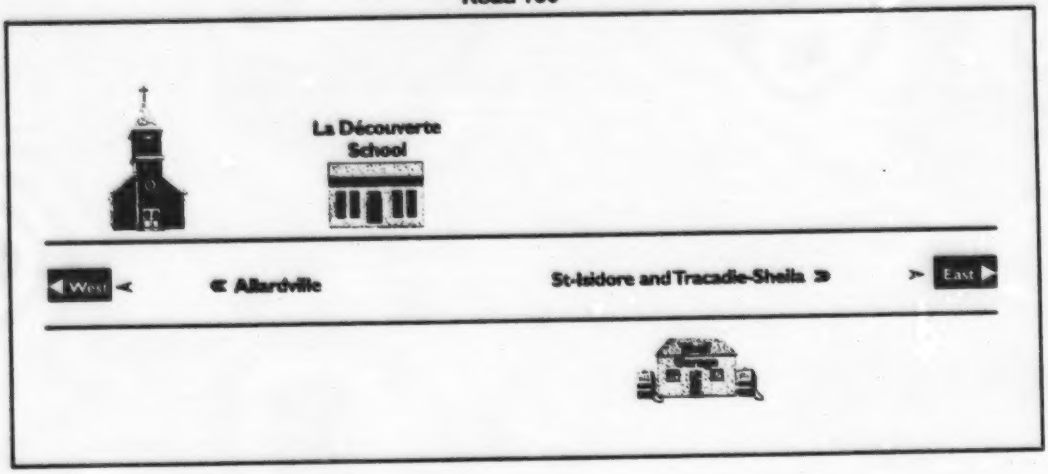
	Date Received	Source	Description	File
31.	November 17, 1998	Constable Léonard Thériault	Arrest form -	PCC Registrar
32.	November 17, 1998	Constable Léonard Thériault	Arrest form – Lionel Foulem	PCC Registrar
33.	November 17, 1998	Constable Léonard Thériault	Arrest form – Mario Savoie	PCC Registrar
34.	November 20, 1998	Staff Sergeant J.G. Gaudet	Statement and enclosures	PCC Registrar
35.	October 26, 1998	Sergeant M. Potvin	Instructions to tactical troops	PCC Registrar
36.	November 18, 1998	Corporal W. Jacquard	Two (2) plastic handcuffs	PCC Registrar
37.	October 29, 1998	Constable Lyne Couture	Letter of disposition dated September 10, 1998	PCC Registrar
38.	October 27, 1998	Sergeant Lemay	Pilot's correspondence concerning the flights over Saint- Sauveur	PCC Registrar
39.	December 11, 1998	Corporal Fidèle J.A. St-Amand	Photographs of La Découverte school entrance	PCC Registrar
40.	December 5, 1998	Constable Richard Ross	Letter addressed to the divisional Commander authorizing the release of a copy of a previous statement	PCC Registrar
41.	October 27,1998	Constable Claude Robichaud	Personal notes concerning his involvement in Saint-Sauveur	PCC Registrar
42.	March 1, 1999	Inspector N. Mazerolle	Video reference to Saint-Simon	PCC Registrar
43.	December 17, 1998	Julien Lachance	Excerpt – Statement of Ms. Gérarda Morais-Thériault	PCC Registrar
44.	November 9, 1998	Sergeant Michel Pagé	Memorandum and 12 pages of personal notes concerning his participation at Saint-Simon	PCC Registrar
45.	December 23, 1998	Chief Aubin Albert	Letter dated December 16, 1998 and 8 pages of forms concerning the arrests in Saint-Simon	PCC Registrar

	Date Received	Source	Description	File
46.	October 7, 1998	RCMP – Directives Section	Memorandum and 11 pages of policy concerning arrests.	PCC Registrar
47.	October 27, 1998	Constable G.A.R. Danis	Second page of Form 1624	PCC Registrar
48.	November 20, 1998	Constable A. Boutet	Two (2) forms : Incident Report and C-13	PCC Registrar
49.	February 13, 1998	Constable S. Dery	Continuation Report – Form 1624	PCC Registrar
50.	May 10, 1999	Corporal Jos Fauteux	7 pages of instructions, undated, re: offences related to labour unrest or disturbances and the powers of a peace officer	PCC Registrar
51.	May 11, 1999	Rachelle Allain	Notes concerning her office activities "April 17 – May 5, 1997"	PCC Registrar
52.	May 11, 1999	Keith Coughlan	Excerpt, *Education Act*	PCC Registrar
53.	May 11, 1999	Mireille Brideau	News report – Saint-Simon/Saint-Sauveur video	PCC Registrar
54.	June 1, 1999	Sharon Clark with approval of Superintendent J.D.M. Séguin	Report by Sergeant Gaétan Germain concerning investigation of Christian Noël's complaint.	PCC Registrar
55.	June 9, 1999	Sergeant Mike Seliske	Course training Standards for Tactical Troops	PCC Registrar
56.	June 2, 1999	Staff Sergeant S. Seiffert	Documents, 5 pages related to Saint-Sauveur	PCC Registrar
57.	June 2, 1999	James Duffield	Documents, 4 pages extracted from communication records showing how messages are dispatched	PCC Registrar
58.	June 3, 1999	Corporal Don Chenel	Dog Services report form	PCC Registrar

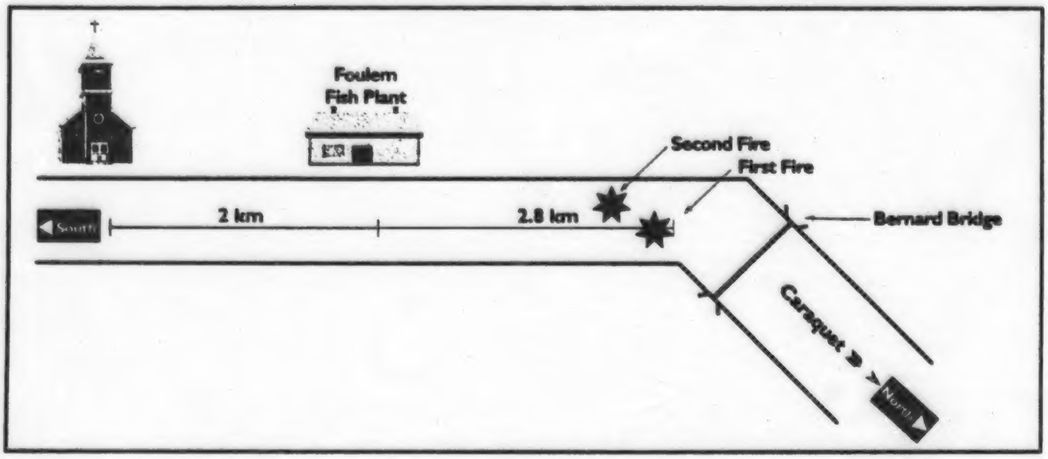
	Date Received	Source	Description	File
59.	July 6, 1999	Superintendent J.D.M. Séguin	Video on Saint-Simon	PCC Registrar
60.	July 12, 1999	Superintendent N. Boucher	Course Training Standard/Dog-Handlers	PCC Registrar
60.a	July 12, 1999	Superintendent N. Boucher	Training course / Dog-Handlers	PCC Registrar
61.	July 21, 1999	Henry Kostuck	Diagram prepared by Henry Kostuck based on information gathered from André St-Pierre	PCC Registrar
62.	August 4, 1999	Corporal C.R. Forsythe	Emergency Response Team – Course Training Standard	PCC Registrar
63.	August 4, 1999	Corporal Jean Blondin	Transit slip and three pages of personal notes and e-mail dated May 6, 1997 received from Constable Andréanne Boutet	PCC Registrar
64.	August 16, 1999	Superintendent J.D.M. Séguin	Provincial policing agreements	PCC Registrar
65.	August 16, 1999	Superintendent J.D.M. Séguin	Notes by Superintendent Séguin – 24 pages Arrest procedures for tactical troop	PCC Registrar
66.	August 16, 1999	Assistant Commissioner Garry J. Loeppky	Correspondence dated August 11, 1999 including descriptions of positions and personal notes concerning Saint-Simon and Saint-Sauveur, as well as other documents.	PCC Registrar
67.	October 18, 1999	Assistant Commissioner T.G. Quigley	Christian Noël File / 97-J-3263	PCC Registrar
68.	November 10, 1999	Mr. A. Richard	Report by Ted Gaudet, Regional Economic Development Commission, Acadian Peninsula	PCC Registrar

	Date Received	Source	Description	File
69.	November 10, 1999	Mr. A. Richard	Statistics – excerpts obtained from Statistics Canada	PCC Registrar
70.	November 10, 1999	Mr. A. Richard	"Droit scolaire"	PCC Registrar
71.	November 10, 1999	Mr. A. Richard	Canadian Charter of Rights and Freedoms	PCC Registrar

Saint-Sauveur (New Brunswick)
Road 160


La Découverte School
West
Allardville
St-Isidore and Tracadie-Sheila
East

Saint-Simon (New Brunswick)
Section of Road 335 towards Caraquet


Foulem
Fish Plant
Second Fire
First Fire
South
2 km
2.8 km
Bernard Bridge
Caraquet >>
North

GLOSSARY

Act: the *Royal Canadian Mounted Police Act.*

Arrest Unit: team of uniformed police officers responsible for processing of detained persons.

Assistant Commissioner: in New Brunswick is the person in charge of "J" Division.

Canadian Police College: college administered and funded by the RCMP, operating with the aim of giving experienced police officers specialized courses in management, administration and operational methods.

Charter: the *Canadian Charter of Rights and Freedoms.*

Chief Superintendent: in the hierarchy, the subordinate of the Assistant-commissioner.

Commission: the Royal Canadian Mounted Police Public Complaints Commission.

Commissioner: the person appointed by the Governor in Council under Section 5 of the *Royal Canadian Mounted Police Act* and who is responsible for the RCMP.

Continuation Report: report prepared by a police officer on his/her participation in an incident or police activity.

Corporal (Cpl): a police officer higher in rank than a Constable and lower than a Sergeant.

Constable (Cst): entry level as police officer in the RCMP.

Criminal Operations: "J" Division section that was responsible for police operations in the province. At the relevant time, the sector was under the responsibility of Inspector Gerry Lynch, who was replaced on April 23, 1997 by Chief Superintendent Michel Séguin.

Deploy: in this report means the order given to RCMP Special Units to take action.

Director of Police Services: the person in the office of the Solicitor General of New Brunswick who is responsible for police services. At the relevant time, this person was Mike Connelly.

District No 8: all the territory of the Acadian Peninsula served by the RCMP. At the relevant time, the district was under the responsibility of Staff Sergeant Charles Castonguay.

Emergency Response Team: special unit whose function is to deal with critical or potentially dangerous situations.

GLOSSARY (cont'd)

ERT: acronym for Emergency Response Team.

Form 1624: see Continuation Report.

Form C-13: see Prisoner Report.

Identification Unit: RCMP Operational Support unit with the function of photographing and video recording of police operations.

"J" Division: all Royal Canadian Mounted Police operations in New Brunswick. At the relevant time, "J" Division was the responsibility of Chief Superintendent Garry James Loeppky.

Operational Support: "J" Division sector having responsibility for special units. At the relevant time, this sector was the responsibility of Inspector René-Pierre Tremblay.

Police Service Dog (PSD) Teams: special unit of trained dogs used in various situations.

Prisoner Report: report providing an account on an individual who has been apprehended or arrested.

Sergeant (Sgt): a police officer with a rank higher than that of a Corporal but lower than that of a Staff Sergeant.

Special Units: specialized RCMP teams assigned to operational support and having the function of providing specific assistance in a particular context (e.g. tactical troop, Police Service Dog (PSD) teams, Emergency Response Team (ERT), underwater recovery unit).

Tactical Troop: special unit trained for the control and dispersal of crowds.

Unmarked car: a police car which does not bear visual identification.